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CALENDAR
OF
STATE PAPERS
COLONIAL SERIES
AMERICA AND WEST INDIES
1730

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The reference “A.P.C.” is to the printed *Acts of the Privy Council, Colonial Series*, “Journal” to the printed *Journal of the Commissioners for Trade and Plantations*.

NOTE. *etc.* printed in italics in the course of the text indicates that matter merely repeated or of no importance is there omitted. Phrases in italics are summaries of matter of slight importance. Words printed in italics between square brackets [*thus*] are suggestions by the Editor where the MS is rubbed or torn.

INTRODUCTION

For the period down to the end of the War of the Spanish Succession the volumes of the *Calendars of State Papers, Colonial* were not uniform in size and the papers included in each of them did not as a rule end with the close of the year. From 1714 onwards, however, it usually became practicable to include in each volume the papers of two years, and the volumes were all of approximately equal size. But for the year 1730 the bulk of papers is so considerable that it was impossible to include with them the Calendar for 1731, whose papers are also more numerous than those of earlier years. The present volume, therefore, only covers a single year, though it is approximately of the same size as those preceding it. As compared with 547 abstracts for 1728 and 520 for 1729, there are 652 abstracts without allowing for the many enclosures, but the practically doubled bulk is accounted for more by the length of the papers than their number. This indicates that there was no sudden increase of colonial business, as might at first sight have been assumed, but merely an increase of the length at which correspondents wrote. There was no breach of continuity, but everything continued on its accustomed course.

§ I.

GENERAL.

Relations
with
Spain
in the
colonies.

The long drawn-out negotiations between the British and Spanish plenipotentiaries at Seville were brought to a conclusion and a definitive treaty of peace was signed in November 1729. Orders had been sent out to the colonies for the cessation of hostilities as far back as 25 March 1728, but they had been little obeyed. Commerce destruction on both sides had gone on much as before, and in the waters of the West Indies there was little change in the system of reprisals that had come

down from the sixteenth century. Arrests and confiscations of ships on either side were so frequent both during war and peace that it was impossible to distinguish one from the other. The constant protests passing backwards and forwards between the British and the Spanish colonial Governors might be based on different grounds of legality, and the veneer of politeness might be thinner in war than in nominal peace, but there was no real difference.

The Treaty of Seville provided for the mutual return of prizes and the payment of compensation for improper seizures after the armistice, but the date when hostilities were supposed to have ended was put so far back that there were endless opportunities of dispute. When the Duke of Newcastle sent out his circular letter to the colonies on 22 January 1733, (26) to inform them of the treaty of peace, he stated that by its provisions any prizes taken since $\frac{1}{2}$ June 1728 were to be restored. That date was chosen as the date when the orders issued in Spain in accordance with the Convention at the Pardo arrived at Cartagena (26 i), but it was realised that those orders had been so ill-obeyed and there had been such a long interval that there were likely to be many applications for redress.

The Duke hoped that, from the readiness with which new cédulas had been issued in Spain, the Spanish Governors would at last think themselves obliged to obey the orders (p. 13) and so a stop would be put to the depredations of the guarda-costas against H.M. subjects in America. But his hope was clearly only a very slender one, for neither the desires of the Governors to comply nor their power to control their subjects were strong enough to bring about really peaceful conditions. Order was therefore given that if the like outrages should continue, immediate applications were to be made to the Governors concerned and full accounts of their answer and behaviour were to be sent to the Secretary of State so that complaint might be made to the King of Spain. (p. 13).

Commissaries
to examine
claims.

In pursuance of the treaty Benjamin Keene and two others were appointed as Commissaries to treat with Spanish commissaries concerning claims for redress under its provisions.

The Board of Trade was ordered to give notice to merchants and others to present their claims with the necessary evidence and vouchers at the Board's office to be forwarded to the Commissaries. (157, 229). At the same time the Board was ordered to prepare representations concerning all such impositions and hardships as had been put upon the trade of H.M. subjects in any of the King of Spain's dominions to be delivered to the Commissaries, who were also to be informed by the Board of the true extent and limits of H.M. possessions bordering on those of the King of Spain in America (157). In accordance with these orders, claims began to pour into the office of the Board with depositions of the outrages suffered. They have only been listed or briefly summarised in the Calendar, but they afford a mass of evidence concerning the actual conduct of maritime trade in the West Indies at the period, which might be of interest to economists and commercial historians.

The Instructions to Keene and his fellow commissaries were prepared in June 1730 (294 i), and they were ordered to complete their labours and present their report within three years from the signing of the Treaty of Seville, i.e. by November 1732. The matters to be examined were set forth in the Instructions and it is of interest to note what were the outstanding causes of dispute between the two powers. Besides applications for redress for seizures of prizes, the commissaries were to examine the complaints of the South Sea Company against hardships and impositions laid upon them upon which the Agent of the Company residing at the Court of Spain would produce evidence. Other questions were to include the boundary between South Carolina and the King of Spain's Province of Florida, the right and title to the Bahama Islands, the right which British subjects claimed and had exercised for many years of cutting logwood in the Bay of Campeachy, and the pretensions of the subjects of the King of Spain in the Province of Guipuscoa to fishing on the Banks of Newfoundland. (p. 152). On the other hand, the Spaniards by virtue of the Treaty of 1721 were likely to make claims for the restitution of the ships taken by the English fleet in 1718, but the commissaries were instructed to represent

that the said Treaty had in this respect been duly executed by Great Britain, and that if some of the ships by that Treaty to be restored were not carried home to Spain, it was the fault of the Spanish Officers who would not receive them when they were tendered to them by those in whose custody they were. (p. 153). There were here therefore abundant causes of dispute of very long standing, and the work of the commissaries was likely to be extremely difficult and tedious.

The Florida
boundary.

The Board of Trade found it difficult to comply with the orders of the Secretary of State to supply at once to the commissaries copies of all papers in their office relating to grievances in the Spanish trade or contraventions of treaties, because they were so numerous, but they suggested one immediate alteration in the terms of the instructions. In place of the mention of "the King of Spain's Province of Florida" they suggested only a mention of "the limits of the Province of South Carolina," because, as they said, "We are far from acknowledging that Florida belongs to the King of Spain; for Florida in its natural extent would take in both the Carolinas. But we know of no settlement the Spaniards have on that coast between Port Royal and the Point of Florida at the entrance of the Gulf of Mexico, except St. Augustine, which is near 100 miles to the southward of the River Altamaha." (369 ii). This was a matter of considerable importance, for, as we shall see later when we come to mention the propositions for the establishment of a new colony to the south of Carolina which were just then being put forward and which led to the grant of Georgia, the northern limits of Florida would soon become a matter of acute controversy.

Spanish
encourage-
ment of
privateering.

The Government had little doubt that Spain was insincere in her adhesion to the Treaty of Seville, and they were confirmed in their apprehensions by the information that they received from the Governor of Jamaica. The news of the conclusion of the treaty was received in that colony in March 1730 and was warmly welcomed by the Assembly as giving them hope that their trade with the Mother Country would henceforth be uninterrupted and ample reparation would be made to them for the many and unjust depredations and captures of their

ships and vessels by the Spaniards (143 vi). Those hopes were woefully disappointed, for the orders of the King of Spain to cease hostilities were disregarded by his colonists, and the only remedy appeared to be to treat them as pirates. In September 1730 a circular letter was therefore sent out by the Secretary of State to the Governors of all the colonies giving orders to that effect. "The piratical practices of the Spaniards and others," it said, "still continuing to the great damage of H.M. subjects; and as all vessels acting in such matter, in time of peace, are to be reputed no other than pirates, whether they cruise at sea without any commission, or having commissions do nevertheless spoil and plunder the ships and goods of H.M. subjects contrary to the treaties, and there being great reasons to believe that the said freebooters are chiefly upheld in their piracies by the secret encouragement and protection which they meet in many sea-port towns in the West Indies, from whence they are fitted out for the sea, and to which places they retire with their booty," His Majesty requires the Governors of his colonies to give orders to any of his navy ships then in their ports upon proof of such outrages given to the local Court of Vice-Admiralty to proceed to the ports in question and demand immediate restitution and redress or make reprisals for the piratical acts. (453). Thus, despite the apparent restoration of peace, local acts of war were to be authorised in the colonies wherever necessary.

Designs
upon
Jamaica.

Governor Hunter of Jamaica believed that the Spaniards still cherished designs of attacking the island in force. He forwarded reports from those who had been in contact with the Spanish authorities to show not merely that the plan for a descent in force upon the island had been seriously intended at the end of the war, but great quantities of stores and munitions had been collected for it, which were still available. But it was the fear that the Spaniards were intriguing with the rebellious negroes in Jamaica and furnishing them and the disaffected Irish Papists with arms for a rebellion on a great scale which most seriously disturbed him (311). He pressed on the fortifications at Port Antonio with energy and his reports to the Secretary of State were so grave about the lack of defence

that, when he asked for reinforcements, his application was listened to and two régiments were ordered to proceed from Gibraltar to Jamaica without delay. The peace with Spain, in fact, was an exceedingly uneasy one and many of those in the best position to know expected war again within a very short interval.

Relations
with
France.

Relations with France in the colonial sphere were generally friendly, although the usual causes of irritation remained in Nova Scotia and along the border between Canada and New England and New York. The principal cause affecting the relations of the two Courts which appears in these papers is the question of the "Neutral" Islands about which there are many papers; the subject often appears incidentally in earlier volumes of the *Calendar*, but here it came to active negotiation and the number of papers concerning it consequently increased.

The
Neutral
Islands.

In January 1722 the Duke of Montagu had petitioned the Crown for the grant of the islands of St. Lucia and St. Vincent, promising to settle 500 persons in the former within three years. The acceptance of the offer was recommended by the Board of Trade, and in June 1722 Montagu received his letters patent. At the end of the year a party of some 180 emigrants was sent out, but within a few days of their reaching St. Lucia the Governor of Martinique sent a strong force against them and compelled them to withdraw on the grounds that the French had valid claims to St. Lucia and that St. Vincent should be left to the Caribs. (Preface, *Cal. St. Pap., Col.*, 1722-3, pp. xliii—xlvi). The representations of the British envoy to the French Court asserting the title of the British Crown to the islands were strongly repudiated, and it was upon direct orders from Versailles that the Governor of Martinique had compelled Montagu's colonists to retire.

The failure of the attempt was bitterly regretted by the English colonists in Barbados who feared and foresaw that the Martinicans had obliged the Duke's settlers to quit St. Lucia because they desired to settle it for themselves and so to threaten competition with and obstruction of English trade from

St. Lucia.

Barbados. In July 1729 it was reported by a private letter from Francis Freelove, a leading Barbadian, that ever since the expulsion the French had been clandestinely stealing settlements and that there were upwards of 3,000 French inhabitants upon St. Lucia besides their negro slaves and more were daily coming from Martinique. The Barbados merchants urged that very strong representations should be made to the King of France to compel him to recall his subjects before they became more formidable, for not only were they swarming into St. Lucia, but they were also forming settlements upon St. Vincent and Dominica, where they had lately denied the English ships the liberty of getting wood and water. (*Cal. St. Pap. Col.*, 1728-9, no. 802).

Freelove's letter was read to the Board of Trade on 9 December 1729, and they at once summoned him to attend and give further information. Enquiries were also made to the Admiralty as to reports from H.M. ships upon the West Indian station, and it was confirmed that although Mr. Freelove had probably exaggerated the number of French intruders in St. Lucia, there could be no doubt that their number was very considerable and was rapidly increasing. The Board therefore moved the Duke of Newcastle to take immediate action and to recall to the French Court that at a Conference between the English and French Commissaries at Paris in January 17 $\frac{1}{2}$ ^o the Regent promised that the French colonists sent to St. Lucia after its grant to Marshal d'Estrées should be withdrawn and the island put into its previous condition. (*Cal. St. Pap. Col.*, 1728-9, no. 1053, 31 Dec. 1729; recalling *Cal. St. Pap. Col.*, 1719-20, no. 505, 4 Jan. 17 $\frac{1}{2}$ ^o. See also Preface, 1719-20, pp. vi—viii).

The Secretary of State at once took action, and Mr. Poyntz, the British Minister in Paris, was directed to draw the attention of the French Court to the encroachments at St. Lucia, St. Vincent and Tobago and request that orders should be sent to the Governors of the French colonies in the West Indies to prevent future occasions of complaint. (38). With this letter was sent a statement of the English claim to St. Lucia (38.iv) that had been prepared some years before (*Cal. St. Pap. Col.*,

Rival
claims to
St. Lucia.

1709, 2 June 1709). This was only the first of a deluge of papers, for the West Indian merchants had drawn the attention of the House of Commons to the matter and the dangers to English trade arising from French aggression. The House accordingly passed a resolution for an address to the Crown asking for the papers and proceedings of the Board of Trade relating to the French settlement on St. Lucia to be laid before them. (56). This is one of the few cases where there is any mention of parliamentary action in these colonial papers, and it is of interest to trace the action of the administration upon it.

The resolution was passed on 11 February 1730, and Mr. Popple, Secretary to the Board of Trade, knowing of it informally, at once began to get together the papers the Board would present to the House. He supplied this list to Mr. Delafaye, the Duke's Under-secretary, (67, 68, 74), a week later, but remarked that the Board had not received any proper direction to lay the papers before the House and submitted a suggestion that his Office ought to receive a signification of the King's pleasure. (67). The Duke accordingly formally forwarded the Address of the House of Commons and requested compliance therewith (*Journal*, p. 93); accordingly Colonel Bladen, a member of the Board and of the House of Commons, was desired to lay several papers relating to St. Lucia before the House pursuant to their Address. (*Journal*, 24 Feb., 1730, p. 95).

The critical discussion of the subject took place at the beginning of March, and there is an interesting series of notes passing backwards and forwards between Newcastle and Delafaye and others which reveals how the ministers worked out their policy in a matter of this sort. The actual work of picking out the appropriate papers from the archives was done by Delafaye and one of his clerks (105), who sent on the evidence to the Duke. He worked through it and noted what essential documents were missing (104), and then passed on the packets to the Lord Privy Seal, the Lord Chancellor and the Secretary at War (100). It was among this group that the policy was decided upon and the substance of the directions to be sent to the British minister in Paris worked out. (100-106 inclusive).

Mr. Poyntz reported from Paris that he had carried out the instructions given to him and had presented to the Garde des Sceaux translations of the documents relating to the encroachments and violences of the French at St. Lucia, St. Vincent and Dominica, (93 i), but had been met with the counter-charge that English colonists had occupied Santa Cruz [St. Croix], although it was undeniably a French possession. They had driven off French ships that attempted to land and were establishing permanent settlements. In view of these rival contentions, the French Government were willing to renew the offer they had made in 1727 to remove all their men from St. Lucia and the other islands until the question of ownership was settled by negotiation, providing England would do the same. (p. 42). Meanwhile Mr. Poyntz learned that the French were assembling their proofs, and, since he saw that there was an irreconcilable difference in the facts asserted by the two nations as to events in the disputed islands in the seventeenth century, he had set out again the basis of the English claims before the Garde des Sceaux. (p. 43).

St. Croix.

The French Ambassador presented similar representations to the King in London, and Newcastle therefore instructed the Board of Trade to employ their "utmost diligence and attention in forming a full and exact state of the matter together with [their] opinion what it [might] be proper for H.M. to do upon every particular mentioned in the papers" (93). This instruction was received by the Board on 6 March 1730, and they therefore had to launch out into an elaborate historical investigation of their records and other papers, which resulted in the production of a series of reports that cover the whole of the rest of the year. For the history of St. Lucia, St. Vincent and Dominica, and to a lesser extent for Santa Cruz, the papers are of great interest and they also throw some light upon the general history of the Lesser Antilles, but it is unnecessary to summarise them here. We need only enumerate certain of the papers of special significance (104, 105, 155, 177, 260-6, 282). The general history of the dispute as regards St. Lucia was set out by the Board in the elaborate and lengthy report presented to the King in July, (324, 324; pp. 170—182), and fortified by

Papers
concerning
the history
of the
question.

the addition of 38 items of evidence collected from both English and French sources.

The English titles to St. Vincent and Dominica were, as the Board remarked, supported by reference to the same authorities, but in August they forwarded a further report in which they set out the proofs relating to St. Vincent, (408 ; pp. 246—250), supported by 20 items of evidence, and in September a similar report on Dominica, (421 ; pp. 259—262), with 18 extracts from the records. The Board had much greater difficulty in finding arguments to support the English claim to Santa Cruz, (324), and they appear to have been actually in doubt as to what had been the course of events in that island, (*Journal*, pp. 101, 103). Their own records contained little or no information, and so they had to call in Colonel Hart, the late Governor of the Leeward Islands, and other persons from Antigua and St. Christopher to give what information they could from traditions as to how Santa Cruz was abandoned by France and its inhabitants transferred to people the new French colony in St. Domingo, (*Journal*, p. 101 etc.). To add to the complexities of the dispute, the French brought in again the question of rights in Tobago, which had been the scene of many unsuccessful attempts at colonisation, as we have noted in earlier volumes.

Lord Waldegrave, the British ambassador in Paris, and his colleague, Mr. Poyntz, were kept supplied with the reports and papers as they came in, and were constantly engaged in discussion with the French authorities, but could make no progress. Each side flatly denied the evidence produced by the other, or, even when they admitted the authenticity of any document, they disputed its meaning. The only forward step was that the French were willing to order the evacuation of St. Lucia, St. Vincent and Dominica until the right to the islands was determined, (432 i). The Duke of Newcastle informed the Board of Trade of this (432) and directed them to prepare an instruction to the Governor of Barbados to see that the evacuation of the English settlers was carried out as soon as the Governor of Martinique should receive similar orders from France and carry them into effect. (452 i). The first form of

the evacuation order was objected to in Paris (p. 365), but at last in November 1730 agreement was reached, and the respective orders were sent out to Martinique and Barbados.

When the French, however, made a demand that the island of Santa Cruz should be evacuated and all British subjects absolutely forbidden to settle on the island of Tobago, the Board of Trade advised refusal to comply, (p. 366).

Tobago.

Those islands were not included among the "Neutral" islands, and although the French might possibly have some grounds for their claim as regards Santa Cruz, the English title to Tobago had never before been publicly contested by the Court of France, and the King's right to that island was built upon a foundation admitting of no competition. (561 i). To comply with the French proposal would be a renunciation of British rights, and it could not be accepted.

Thus matters remained in a complete deadlock when the year ended. No real advance had been made in the long and tiresome negotiations, and matters were left to drift in the islands while the attention of the authorities in London and Paris turned to other things. Generally speaking, the relations between England and France in other parts of the colonial field were comparatively quiescent, but we shall have occasion to mention later the state of affairs on the border between their respective colonies in North America.

Jurisdiction
of Courts.

There are few papers of much constitutional importance during the year, but we may draw attention to one or two of the disputes as to the jurisdiction of courts which were a perennial feature of the period. From Antigua an Act was forwarded purporting to remedy certain defects in the constitution of the Court of Chancery in that island, but examination of the Act showed that it was designed to preclude the English Court of Chancery proceeding in any cases concerning property in the island. Mr. Fane, the legal adviser of the Board of Trade, was of the opinion that no Act of the Legislature of a colony could in the least restrain any jurisdiction of an English court, but he advised that the Act was "inconsistent with the duty

and submission the Colony ought upon all occasions to show her mother country," and he therefore recommended its disallowance. (32).

Vice-
Admiralty
Courts
in Pennsyl-
vania.

The opposition in the colonies to the exercise of Vice-Admiralty jurisdiction was steadily rising, and there were constant complaints from the judges and other officers of the Vice-Admiralty Courts that they met with interruptions in their employment from the Provincial Judges, who issued divers prohibitions against their proceedings in matters properly depending before and cognizable in the Courts of Vice-Admiralty. An Order-in-Council was therefore directed to the Board of Trade in April 1730 to prepare drafts of additional instructions to all colonial governors to assist the officers of the Vice-Admiralty Courts in the legal execution of their employments (184). The matter came to a head in Pennsylvania, where great disputes had arisen between David Lloyd, Chief Justice of the Province, supported by Lt. Govr. Patrick Gordon, and Joseph Brown, Judge of the Vice-Admiralty Court there. The papers in the case were referred to Sir Henry Penrice, Judge of the High Court of Admiralty, for his opinion, and in his report to the Lords Commissioners of the Admiralty which was forwarded by them to the Board of Trade, (335*b*. pp. 192-195), it is possible to trace the way in which such disputes arose and the kind of thing that brought about the issue of the above-mentioned Order-in-Council. In December 1726 John Moore, Collector of Customs at Philadelphia, had seized certain goods in a schooner, the *Sarah*, as imported contrary to the Acts of Trade. They were condemned by the Court of Vice-Admiralty in February 172*6*⁹/₇, the forfeits to be divided according to the statute in thirds, to the King, the Governor and the informer respectively, after the fees of the Court and the contingent charges had been paid. The Judge of the Vice-Admiralty, Joseph Brown, demanded his usual fee of 7½ per cent., but Governor Gordon, as Chancellor of the Province, demanded that this should be reduced to 3½ per cent. and in his Court of Chancery issued an injunction against the officers of the Vice-Admiralty commanding them not to put the sentence into execution. He ordered the goods to be divided into three

parts, one of which he took in kind as Governor, one to go to Moore as informer, and the third as the King's part to be put up to sale to discharge the fees.

In July 1727 a further information was laid before Isaac Miranda, as Brown's deputy Judge in the Court of Vice-Admiralty, for the condemnation of the schooner, but when the case came for trial it was stopped by the injunction of the Governor sitting as Chancellor on the ground that Brown's deputation to Miranda had been revoked. Moore then brought an action against the vessel in the Court of Common Pleas of Pennsylvania and secured its acquittal, while Governor Gordon brought a civil action for scandal against Brown in the same Court and secured his committal to prison in August 1727. A little time afterwards a further prohibition was secured from the Supreme Court of the Province against Brown as Judge of the Vice-Admiralty Court from trying another case even before it had come before the Court.

By these proceedings of Gordon, in his executive capacity as Lieutenant-Governor for the Penn family and in his judicial capacity as Chancellor issuing injunctions, and of the Supreme Court by prohibitions of the jurisdiction of the Vice-Admiralty Court, the work of that Court was impeded as often as they pleased, and so the clear intentions of the Acts of Trade were set at naught. (335 *b.* pp. 192—195 and accessory evidence). It was to prevent this and similar conflicts of jurisdiction in other colonies that the Board of Trade received orders to prepare additional instructions to be sent out in a circular letter to all Governors. The matter of Brown's complaints dragged on for many months after his first petition of complaint had been received by the Board, and he was summoned to appear in person and give evidence, (416, 419), but Governor Gordon neglected to reply to the complaints that were sent to him with Sir Henry Penrice's report upon them, and by the end of the year no satisfaction had been obtained. This passive disobedience seems to have been a frequent method employed by the Pennsylvanians to get their own way, and the Board of Trade, despite all their persistence, seem to have been completely baffled in all their efforts to clear up these conflicts

of jurisdiction, which put such serious obstacles in the way of the enforcement of the Acts of Trade and produced such bad blood in the colonies.

The
Supreme
Court
in Pennsyl-
vania.

The question of customs seizures in Pennsylvania not only involved the jurisdiction of the Vice-Admiralty Courts but also raised difficult problems in relation to the competence of the Common Law Courts of the Province, established under the terms of the Proprietary Charter. In 1727 the Legislature of the Province passed an Act for the establishing of Courts of Justice which differed in no respects from previous Acts save that it took away the original jurisdiction of the Supreme Court as to the power of issuing original process and hearing causes. (510). The Act was forwarded to London in due course for consideration, but it was not until April 1730 that the Board of Trade sent it to Mr. Fane, their legal adviser, for his consideration, (172), and he did not return his reply until November advising the Crown to disallow and repeal it. (510).

Fane's report is of considerable interest as showing the conflicts of jurisdiction that went on in the colonies and the personal motives that sometimes moved their legislatures to take action on grounds that were not necessarily based upon public interest. Moore, the Collector of Customs at Philadelphia, had seized a valuable ship, the *Fame*, laden with East India and contraband goods to the value of 20,000*l*. To secure its condemnation he sued by original process before the Supreme Court instead of bringing action in the Vice-Admiralty Court, with which, as we have seen above, he was then in dispute, or before the Inferior Courts where the persons presiding being generally bred in the mercantile way might reasonably be supposed in such cases of seizure to be prejudiced in favour of the importers of the contraband goods. To put an end to Moore's action in the Supreme Court, the Legislature was moved to take away the original jurisdiction of the Court even in cases wherein the Crown was interested, and then passed the Act which Fane was considering.

Original jurisdiction had been unquestionably vested in the Supreme Court by an Act of the Pennsylvania Legislature of

the 8th year of George I, and since that Act had not been repealed within five years, it must be considered as having received the assent of the Crown, and under the provisions of the Charter it could not be repealed, varied or altered by a further Act without the express leave of the Crown. Mr. Fane gave it as his opinion that the Pennsylvania Act of 8 Geo. I was not explicit on this point of original jurisdiction (p. 333), but objection was also laid by Moore's agents against the Act of 1727 on the ground that its restrictions were repugnant to the laws of England in a way that was expressly provided against by the Charter. By several Acts passed in England which extended to the Plantations, it was expressly enacted that the Custom House Officers might prosecute their seizures in any Court of Record, and it was their invariable custom to lay the prosecution before the most superior Court of Record, which was held by Moore to justify his action. But the opposing counsel maintained that the Supreme Court was not a court of record in this sense, for, being the only Court of Error in the colony, no appeal could lie against its judgment in a case where it was exercising original jurisdiction. This objection carried no weight with Mr. Fane, for as he pointed out, Parliament had vested jurisdiction in the Admiralty Courts in the Plantations in all causes of seizures and had not thought proper to leave the judgments of those to be reviewed in any manner but by appeal home. (p. 334).

When the Act was before the Legislature, a clause was proposed to retain in the Supreme Court jurisdiction in all causes wherein the Crown was interested, and Mr. Fane gave it as his opinion that, if this clause had been inserted, there would have been no objection to the Act. But since it had been refused, and thus the rights of the Crown and its revenue might be seriously affected by making the officers of the Customs bring their original actions in Inferior Courts which were likely to be prejudiced, Fane strongly advised that the Act should be disallowed (p. 335). The matter is of interest beyond a merely legal sphere, because it illustrates the fact that at this period the customs officers in the colonies did not rely solely upon the unpopular and weak Vice-Admiralty Courts for the

enforcement of the provisions of the Acts of Trade, but also availed themselves where possible of the Common Law Courts of the colonies, as their colleagues in England were accustomed to do.

The utilisation of English practices and precedents as models for the carrying-on of government in the colonies in the judicial field is shown in the foregoing case, but in the general constitutional sphere it is better illustrated in the remarks of the Board of Trade on one of the constantly recurrent disputes caused by Wavell Smith, the contentious Secretary of the Leeward Islands, to which frequent reference has been made in the Introductions to earlier volumes of the *Calendar*.

Constitutional theories.

“ We have considered the papers you sent to us relating to Mr. Wavell Smith’s case ” wrote the Board, “ whereupon we must observe to you that it certainly was in all times the intention of the Crown that the constitution of the several Colonies abroad, immediately under H.M. Government, should resemble as much as might be the constitution of the Mother Country, to whose laws and customs the said Colonies are directed to conform themselves, as far as they may be applicable to their circumstances. For this reason, the Charter, Patent and Instructions from the Crown have established the Legislature of the Colonies upon the British model: the Governor representing the King, the Council the House of Lords, and the Assembly the House of Commons; that every legislative act of theirs, like those of Great Britain, might pass a threefold approbation, and that each branch of their legislature subsisting upon an independent and distinct footing might be reciprocally checks upon the other two. . . . The King’s Councillors in the Colonies have a double capacity; they are not only a branch of the Legislature, but are likewise as the King’s Privy Council entitled to a considerable show in the administration and execution of the laws there.” The Assembly had summoned Wavell Smith to appear before them, and, when he refused, they demanded that the Governor should suspend him. But to suspend a Councillor at the request of the Assembly for not complying with an order of their Committee not communicated to the Council would throw too much power into the balance

of the Assembly and destroy that independence which each branch of the Legislature ought to be possessed of. The Secretary of a Colony, being a Councillor, could not regularly attend the Lower House without permission for that purpose from the Council in their legislative capacity. To complain of the Secretary for not attending without such previous order would be in direct terms to assume a power over the upper branch of the Legislature in all cases where the Members of the Council Board happened to be, (as they frequently must be), Officers and servants of the Crown in another capacity. By the Governor's Instructions the privileges of the Assembly were not to exceed those of the House of Commons but, remarked the Board, "the Law of Parliament in England is properly the usage of Parliament, and perhaps what has usually been done by [colonial] Assemblies may have by that usage acquired a sanction in matters not directly repugnant to the authority and prerogative of the Crown." (500). The proceedings in the Colonial Councils and Assemblies are not calendared in detail from the documents and there are only incidental mentions of their debates, but some passages are a reminder that they might form a useful basis of comparison for those interested in parliamentary procedure and in the methods of control attempted by the legislative over the executive during the period of representative government.

Appropriation of money in Massachusetts.

The vexed questions of finance in Massachusetts led to the issue of a new Instruction to the Lieutenant-Governor which was intended to assimilate the practice of the Assembly in that colony to that of the House of Commons in relation to the raising and appropriation of money. In order to relieve themselves of the necessity of securing the sanction of the Governor or the Council, the Assembly had adopted the practice of providing money and supplying the current service of the year by a vote or resolve instead of an Act of Assembly. By that means the Assembly kept in their own hands the power of determining what accounts were to be paid and what not, even after the services had been performed. This practice clearly thrust out the Governor from all connections with finance, and the additional Instruction therefore peremptorily set forth the

proper practice to be followed. No money was to be raised or bills of credit issued in the Province but by Act of Assembly, in which Act one or more clauses of appropriation were to be inserted to govern the general use of such moneys. The detailed issuing of all moneys so raised or of bills of credit was to be left to the Governor with the advice and consent of the Council acting in its executive capacity. To the Assembly, however, was left the power of inquiry as to the application of such moneys and of calling for accounts. (1). The struggle of the Massachusetts Assembly to gather all power into its own hands to the exclusion of the Governor was designedly leading away from the traditional lines of parliamentary government that had been hammered out in England, and in disputes of this kind we can trace the origins of many of those differences in practice and procedure which are to be found between American and British legislatures to-day.

Official
punctilio.

That English practice in regard to finance had by this period acquired set and definite conventions is illustrated by certain letters passing between the Board of Trade and the Commissioners of Customs. An Act had been passed by Virginia for amending the staple of tobacco and preventing frauds on H.M. Customs; in due course this Act came to the Board of Trade for allowance, but before taking it into consideration they forwarded it to the Commissioners of Customs for their opinion (538, 19 Nov. 1730). A fortnight later the Commissioners returned the Act with the remark that they desired to be excused giving their opinion upon Acts of Assembly unless they were commanded by the King in Council or the Lords of the Treasury (577, 1 Dec. 1730). The Board of Trade protested against this punctilio and pointed out that there were many instances in the books of each Office where similar requests had been complied with, giving examples. (580). The Customs Commissioners did not persist in their refusal, but on Dec. 9 explained that while they were always ready to receive communications relating to any matters passing in the Plantations that might in any way affect the revenue under their management, they did not wish to give any opinion as to matters of trade unless commanded by H.M. in Council or the Treasury.

However, in this case they promised to give their opinion if the Act were returned to them (591, 9 Dec. 1730, 592), and accordingly three weeks later, they sent back their considered report that the Act would be a prejudice to the revenue for reasons that they set out fully, (635, 29 Dec. 1730), although they do not appear to have received in the interim any order on the matter from the Treasury. The reasons governing their withdrawal from their previous refusal do not appear.

Dispute
between the
Admiralty
and the
Board of
Trade.

A somewhat similar case of conflict of views between Government offices arose concerning the powers of colonial Governors in matters of Admiralty. The question of the power of Governors under their commissions to grant commissions to privateers had long given rise to dispute between the Lords Commissioners of the Admiralty and the Board of Trade. (See e.g. *Cal. St. Pap. Col.*, 1701, Nos. 552 i, 629 i, 682, 682 i). When Jonathan Belcher, newly appointed as Governor of Massachusetts, requested permission to fly his own flag when he was upon the water in his own barge within his Government, the Admiralty harked back to the larger question, despite the protest of the Board of Trade that that had already been decided (48). They would not give an opinion in regard to the minor matter of the flying of a Governor's flag, but instead energetically set forth their claim that by the Admiralty patents they were fully invested with the sole power of Admiralty not only in Great Britain, but in H.M. Foreign Colonies and Plantations also, so that no Governor abroad could grant commissions to the masters of ships without directly interfering with the authority granted to them by the Crown. (73, 75). The Board read this letter and forwarded the appropriate extracts from Governor Belcher's commission and instructions relating to the granting of commissions to privateers as desired (75), but the matter was not pursued further by the Admiralty, and apparently Belcher was allowed to fly his flag as he wished.

Greenwich
Hospital.

In November 1729 the Board of Trade were instructed by Order in Council to prepare additional Instructions for all H.M. Governors to assist the collectors of 6*d.* per month from seamen's wages for the Royal Hospital at Greenwich pursuant to the Act of Parliament (see *Cal. St. Pap. Col.*, 1728-9, no. 982), and

accordingly the Board devoted some attention to the matter early in 1730. (24, 25). The drafts of the Instructions were approved in January 1730, but it was not until June that they were prepared and despatched, and this is worthy of mention as illustrating the great delay of business even in a simple matter where no controversy was involved. (*Journal*, pp. 76, 77, 83, 121).

The whale
fishery.

The preparation of additional instructions was never long absent from the work of the Board, and the growth of the bulk and complexity of the instructions was continually being added to. What would nowadays be regarded as only a matter upon which directions might be given to the Governors in the course of their regular correspondence was often made the subject of a solemn additional instruction. Thus, the ministry were anxious to encourage the growth of the British whale fishery and representations were made to them by the promoters of the industry that obstacles to its progress were interposed by the practice of certain colonial Governors. To prevent this a circular containing an additional instruction was prepared and sent to all the colonies even though there might be no chance of a whale fishery upon their shores. "Whereas for some years past the Governors of some of our Plantations have seized and appropriated to their own use the produce of whales of several kinds, taken upon those coasts, upon pretence that whales are royal fishes, which tends greatly to discourage this branch of Fishery in Our Plantations and prevent persons from settling there: It is therefore Our will and pleasure that you do not for the future pretend to any such claim." (51 i.) The style of the prohibition seems unduly ponderous to the size of the revenue involved, for even in the colony Bermuda, where whale fishing was an important industry, the profits to the Governor from his "royal fishes" only amounted to less than 100*l.*, and this colony was the only one excepted from the circular letter (51, 72, 94, 108, etc.).

Ecclesiastical
jurisdiction.

A similar circular letter conveying an Instruction to the Governors of the Colonies and Plantations was prepared during the year. On 29 April 1728 a commission under the Great Seal had been granted to the Bishop of London authorising him

to exercise ecclesiastical jurisdiction in the colonies and plantations in America. (20 i). The Governors of all colonies, except proprietary, and governments were now instructed to support the Bishop's Commissaries in the exercise of such jurisdiction (20, 120 ii; p. 60 Massachusetts; 185, 204). Copies of the Commission were printed and despatched to the colonies and orders were given that it was forthwith to be registered in the public records of each colony. (120 ii).

Fines for
offences
in the
colonies.

As in previous years, the question of the circulation of paper money in the colonies demanded constant attention and gave rise to incessant difficulty (e.g. 37, 47, 50, 83, 97, 113, 331 i), but the matter is too complex to be summarised. An incidental question arose upon which the opinion of the legal adviser to the Board of Trade was sought. This was whether fines imposed by English Acts of Parliament for offences committed in the Plantations and to be recovered there were to be paid in sterling money, Proclamation money, or in the currency of the Province where the fine was to be recoverable. Mr. Fane replied that such fines were to be levied in sterling money or the value thereof. (506, 508). This matter arose in connection with the incessant difficulties that Colonel Dunbar had to cope with in the enforcement of the Act of Parliament concerning naval stores, to which reference is made later. The actual difficulty upon which Dunbar asked for explanation was not upon fines imposed under this Act but in regard to certain malicious rumours that were circulated in Massachusetts. Upon the arrival in Boston of certain ships from London some malcontents "gave out for news that the King and Queen were poisoned and that England was in arms divided for the Prince and Duke" [i.e. the Pretenders]. Late at night many families were waked and alarmed with this, and the Attorney-General had the parties circulating the rumours bound over, and was resolved to prosecute them, although he feared that the punishment would not be corporal or exceeding 20s. fine. It was in giving his account of this that Dunbar mentioned that all fines imposed in the colony even under English Acts of Parliament were construed to be in colonial currency, which was not worth more than one-third of sterling, but even then the

convicted offenders would not pay them, but would only go to gaol for a little time. (p. 120).

Deficiencies
in the
records.

In the Introductions to preceding volumes reference has been made to the difficulties of Governors in supplying the insatiable demands of the authorities in London for papers. A letter from Lt. Gen. Mathew in the Leeward Islands shows how impossible it was to keep up continuous series of the records of each branch of the colonial administration without a break. Those whose duty it was to prepare the transcripts complained that they were often called upon to repeat the transcript of documents that had already been forwarded, although they found it difficult to obtain payment for these voluminous repeated transcripts. Thus, while Lord Londonderry was Governor of the Leeward Islands, the Board of Trade wrote to him to demand certain missing transcripts of returns and records concerning the colonies during the Governorship of his predecessor Colonel Hart.

Elaboration
of the
paper
system.

Mathew did not receive this order from Lord Londonderry's executors till three months after his death, and, when he strove to comply with it, he found that many of the papers demanded had already been forwarded during Colonel Hart's time, but had apparently never reached the Board. Although he threatened the officers with suspension or removal from office and peremptorily demanded fresh transcripts, Mathew complained that he could not secure their obedience and begged to be excused by the Board. (109, 500). Indications such as these show that it is impossible to expect to find among the extant papers complete series of the various returns that nominally had to be supplied from every colony. If they had been sent according to the elaborate system that was ostensibly in force, they would provide exhaustive statistieal evidence for every branch of colonial life such as it would be hard to parallel elsewhere. But there are many gaps in the series, and they cannot be attributed to the failure of the officers of the Board of Trade to preserve the papers that came to their hands. The deficiencies are indicative of the utter impossibility of keeping up such a regular flow of papers as was ostensibly provided for. Even if the statistical data were accurately and

punctually collected, which was very uncertain, the copying of them in duplicate to guard against the accidents of transmission by a long sea-voyage was very difficult in small tropical colonies. The system was undoubtedly too elaborate to be worked satisfactorily, and it is well that historians should take these facts into account in their studies. For the larger Continental colonies the series of papers are more complete in many ways than they are for the small West Indian governments, but even there the Board of Trade had constant difficulties in this matter. In April 1730 the Board reproved Governor Montgomerie of New Jersey for his remissness in correspondence. They complained that they had not heard from him since the previous November, and they peremptorily required him to send frequent reports, the public papers constantly and full answers to their circular queries (189), but it is to be doubted whether their reproof had much effect.

Parliamentary
demands for
information.

The Board itself was under constant pressure to supply papers and returns, and their Secretary had to make excuses for inability to supply everything that was demanded. In April 1730, for example, an order was received from the House of Lords for a return of the establishment of Governors and Governments in the colonies, and the reply of the Board gives an indication of the defects of their records in certain respects. The receipts and payments of money either for the Governors or any of H.M. Officers in the Plantations did not pass through the office of the Board (p. 75), and as it was impracticable for the officials to supply the accounts of such expenditure ever since the foundation of the various colonies as was required, the Board went on to explain the imperfections of the colonial records in other respects. "As most of the British colonies in America were originally settled by private adventurers at their own expense, except that of Jamaica, and are by degrees grown up to be what they now are, so we have but very imperfect accounts of them till they came to be considerable enough to be taken under the immediate care and protection of the Crown, and such of them as are still Proprietary or Charter Governments, we are but little informed of, even at this time, because they keep little correspondence with this Office." (p. 75).

Lack of
information
from certain
colonies.

This statement is confirmed by the Board in relation to Connecticut, about certain of whose laws a Committee of the Privy Council had asked for information (171). "The people of Connecticut" wrote the Board "have hitherto affected so entire an independency on the Crown of Great Britain that they have not for many years transmitted any of their laws for H.M. consideration, nor any accounts of their public transactions. Their Governors, whom they have a right to choose by their Charter, ought always to be approved by the King, but no presentation is ever made by them for that purpose. Though required by law to give bond to observe the Laws of Trade and Navigation, they never comply therewith, so that we have reason to believe they do carry on illegal commerce with impunity, and in general we seldom or never hear from them, except when they stand in need of the countenance, the protection or assistance of the Crown." (638). The absence or paucity of papers among the English records from certain colonies was remarked upon in an earlier Introduction, but here it is set out in explicit terms. Clearly, while the greater fishes like Massachusetts were caught with a great deal of noise and contention, Connecticut was a minnow that could slip through the meshes of the governmental net to go her own way unobtrusively but very successfully.

Sir Thomas
Warner,
Governor of
the
Caribbees.

Before leaving the subject of the completeness of the colonial records, we may notice two lesser points of interest that are mentioned incidentally in these papers. In reply to an enquiry from the Board of Trade for papers of Sir Thomas Warner, first Governor of the Caribbee Islands for the Earl of Carlisle, which were probably required for evidence as to the validity of the English claims to the "Neutral Islands," Colonel Edward Warner wrote "I am entirely a stranger to all the transactions that were in my great grandfather, Sir Thomas Warner's, life-time in the West Indies, none of his papers having ever fallen into my hands." (212). From Virginia Lt. Governor Gooch forwarded a printed copy of the laws that had recently been passed in the colony in place of the usual manuscript transcript. He offered it as a specimen of the product of the Virginia Press and stated that the whole body of the Laws of

the Colony was to be printed for the public service, possibly the earliest project for the publication of a collection of the Statutes in any colony. (434).

Increase of
the staff of
the Board
of Trade.

The increasing demands upon the Board of Trade for papers and reports and especially the requirements of both Houses of Parliament for papers placed so great a burden upon their staff that it would not be carried without further assistance. Application was therefore made to the Treasury, and the Board wrote :—"The business of this Office [has been] very much increased of late by the frequent demands that have been made in Parliament for papers relating to the trade and plantations of Great Britain, and it being still likely to be further augmented by the correspondence with H.M. Commissaries appointed to treat with those of Spain concerning the matters referred to them by the Treaty of Seville, we shall stand in need of more assistance than the ordinary establishment of our Office will admit of. For we have no Solicitor, though such a person is frequently wanted, and our secretaries are so fully employed by the common business of the Office that they have not time for the drawing of reports. [We desire] that your Lordships would empower us to appoint an additional Officer with the title of Solicitor and Clerk of the Report . . with a salary of 200*l.* per annum." (385).

The Treasury Commissioners at once consented to this request, and thenceforward the establishment of the Office of the Board of Trade was increased. (388).

§ II.

THE AMERICAN COLONIES.

Newfound-
land.

The establishment of a permanent resident population in Newfoundland was at last accepted as inevitable, and although the system of controlling the affairs of the island and the fisheries by two naval commodores, who were only on the station in the summer, was maintained, some provision was made at last for government in the island during the winter. The justices of the peace who were appointed by the commodores

(14 Oct. 1729) were universally recognised to have power to take action in criminal cases, but great doubts arose as to how far their powers extended, and a series of questions was submitted to the Attorney General for his report upon the legal position. (181).

According to the ancient traditional practice, while the fishing fleets were in the harbours, the command of all matters lay in the hands of the first-arrived shipmaster or "admiral." When he departed at the end of the summer, control passed into the hands of the newly-appointed justices. Had these justices power to levy taxes upon the inhabitants for the erection of gaols, repairing of churches and other public works? At first they had attempted under their new commissions to levy dues upon fish and fishing boats, but the Attorney-General gave his ruling that this could not be done, because by Act of Parliament of ancient date, the fishing was declared free. Only such taxes could be raised by the justices as those for which power was given to Justices of the Peace in England by particular Acts of Parliament. In the Attorney-General's view no power of imposing taxes in general could be granted without the consent of some assembly of the people. As no such assembly had ever been called in Newfoundland, the government there could not be fully possessed of the powers needed, as in an ordinary colony. (164, 165, 179-81, 193, 196). The justices were properly charged with the duty of dealing with criminal matters, but they could not secure offenders unless they had a gaol in which to confine them. As a matter of urgency, Governor Osborne had authorised the erection of such a gaol, but he feared prosecution in England for having exceeded his powers, and he must have welcomed the opinion of the legal adviser that, as he had proceeded according to an Act of Parliament of William III, he had no such prosecution to fear. (231, 232, 233). The whole case and the cautious and tentative way in which the first steps were taken towards the establishment of popular government leave an impression of scrupulous care for legal rights and liberties which differs widely from the dogmatic tyranny over colonial feelings and interests with which the British Government has sometimes been charged.

The Admiralty informed the Board of Trade in April of the approaching departure of Lord Vere Beauclerk and Captain Osborne for Newfoundland and Captain Watson for Canso and asked for the usual Heads of Enquiry that were to be given to those commanders (150). But since Osborne had been granted a commission as Governor of Newfoundland and Lord Vere Beauclerk had received full Instructions, it seemed unnecessary to present them with Heads of Enquiry, and thus a change of practice was introduced. (202). The commission and instructions remained in force, since the same commanders had been appointed for a second year.

Tyranny
of the
fishing
merchants.

But it was one thing to make dispositions on paper as to what was to be done, and quite another thing to see them carried out. The fishing admirals who had made very little use of their powers under the ancient Fishing Act, now became very jealous of the threatened infringements of the new justices of the peace, while the magistrates themselves feared unpopularity with the people and could not be persuaded to use their powers to the full. (422, 454, 456). The picture painted by the commodores of the greed and tyranny of the fishing merchants is a very distressing one, and the many petitions that were presented to the Naval Governor and by him passed on to the Crown illustrate the oppression and profiteering that was going on at the expense of the labourers. (422 and enclosures). Much of these abuses arose from the fact that the servants were helpless Irishmen who had been recruited by the fishing merchants of the ports in the West of England without clearly understanding the bargains to which they were committing themselves. Instead of carrying them back to Ireland at the end of the season as promised and paying their wages, unscrupulous masters found means of raising some disputes just when the ships were about to sail and abandoning their servants to stay behind in Newfoundland for the winter and fend for themselves as best they could. (See petitions enclosed in 422 iv). Thus a helpless and shiftless population of Irishmen gradually grew up in Newfoundland that was living barely above the margin of subsistence and was an easy prey for the smugglers and tavern keepers who made their profits by the illicit importation of

liquor for sale to the fishing fleets. There was little serious attempt at agriculture or the development of the interior of the island. Fish, and fish alone, remained the sole concern, and it was therefore impossible to convert this maritime slum into a prosperous colony of the ordinary pattern, as many of the authorities aspired to do.

Primitive
conditions.

A single instance will illustrate the primitive conditions prevailing. One John Perriman, while drinking with Walter Nevill, entered into dispute with him over money said to be owing, and called him "maz'd toad." Nevill showed fight and Perriman then killed him by knocking him against the side of the chimney. He was seized and a verdict of "Murder" was brought in against him by a coroner's jury, but then he had to be sent by the justice of the peace together with the witnesses to stand his trial in England. The commanders of ships bound home would not take them on board unless their passages were immediately paid, and then only with utmost reluctance. The poor inhabitants would mostly pay their proportion towards these costs as well as most of the by-boat keepers, but the commanders of fishing ships and the traders were so averse to all government that they opposed it with all their might, and the committing justice was then left to pay the cost out of his own pocket. (503 and enclosures).

Nova
Scotia.

Governor Philipps, of Nova Scotia, when he took over his duties again from the Lieutenant Governors in command of the individual garrisons, busied himself especially with two questions, the persuading of the French to take the oath of allegiance to King George II, and the obtaining of fresh inhabitants to take up lands in the province.

In the region round Annapolis he had fair success in persuading the French to take the oath (3), and did so because he permitted their pastor, M. de Breslay, who had been a fugitive in the woods for some fourteen months, to come in and resume his ministrations. (3 ii). The Home Government, however, did not attach much faith to their allegiance and still had in mind the project of removing them all. (248). The Board of Trade wrote to Governor Philipps telling him that the French words

of the oath that he had translated direct from the English were ambiguous in meaning, and the French Jesuits might explain this ambiguity so as to convince the people upon occasion that they were not under any obligation to be faithful to the King. Secretary Popple entered into an elaborate grammatical argument to explain the point, which depended on a dative case. (248). Governor Philipps replied contesting Popple's grammar and supporting the accuracy of his own translation, but he added "Whenever the French Jesuits go about to explain away the allegiance of these people, they will make use of an argument more suitable to their principles that no oath is binding on a Papist to obey what they call a heretic Prince." (562).

Fear of
the French.

The work of securing their allegiance became daily more necessary because of the great increase of those people, who were a formidable body and like Noah's progeny spreading themselves over the whole face of the Province. So long as England and France were in union, the peace of Nova Scotia was settled with a prospect of continuance, but to secure it in all events, required further precautions, for it was certain that all the safety of the province depended on that union. When that ceased, the country would become an easy prey to the French, and Canso, which was the envy and rival of Cape Breton in the fishery, would be the first object of attack and could not fail to fall, since it was only six or seven hours march from the French headquarters. (p. 252). In the face of such serious and obviously well-founded fears like these, the Government were bound to do what they could to promote Protestant emigration into the province, though all their efforts were unsuccessful. It was hard to account for the cause, though some suggested that there was unlikely to be any English immigration until the settlers were granted an Assembly. What appears clear to later observers is that there was no great reservoir of population in England from which emigrants could be poured out in any direction thought advisable. We never seem to read in these papers of English emigrants, though there are frequent mentions of Irish, Scots Irish and Scots. To supply the population needed, therefore, the Government were

constantly in negotiation with the promoters of Palatine emigration.

David Hintze
and the
Palatines.

The principal of the promoters at this period was one Daniel Hintze (151, 302), who made a bargain with the Board of Trade to introduce into Nova Scotia Protestant families, who had been subject to the Landgrave of Darmstadt or to the Elector Palatine, to be settled on free lands granted to them. But Hintze proved very shifty in his promises and able to accomplish neither his bargain of emigrants for Nova Scotia, (330, 337, 356, 438, 476, 583) nor for South Carolina for which he was also contracting (77). The Palatines seem to have preferred to go to Pennsylvania, though they met with atrocious treatment on the way. Thus in August 1730 some 230 Palatines from Amsterdam bound by their contract to Philadelphia were landed instead in Boston. The ship was grossly overcrowded and suffered from lack of water which caused several deaths, but the master claimed that the passengers had forced him into Boston and by his threats of prosecution compelled them to give up the written contracts they had for their transportation to Philadelphia, where many of their friends had preceded them. The poor people were landed and exposed for sale like negroes and purchased by a company of proprietors to be planted in the pine swamps of the Kennebec. "God help them," wrote Daniel Dunbar, who reported the case to the Board of Trade, "they have a poor chance for justice, for as a considerable merchant who was chosen by a Piscatua man for a referee against one of Boston, said—a Piscatua man had no more chance of justice here than an Old England man, so partial are those people, even in their carriage and manners." (p. 241).

Massachu-
setts.

The vexatious actions of the people of Massachusetts in their disputes with their neighbours of New Hampshire have been mentioned in an earlier Introduction and especially the hard case of the Scots Irish at Londonderry, whose rights were threatened by the people of Haverhill. Further petitions from these settlers and their appeals to be granted lands in Nova Scotia are abstracted here. (211, i-iv).

David
Dunbar.

The fate of these settlers was bound up with the new attempts to encourage the production of naval stores in North America

with which the House of Lords was specially interested. A memorandum giving a full history of what had been done was prepared for them by the Board of Trade. (154). By far the most frequent correspondent of the Board, whose papers are abstracted in the present volume, was Colonel David Dunbar, who had been appointed to stop the waste of the King's woods in North America and was also interested in the colonisation of the mainland portion of Nova Scotia which lay to the north and east of Maine. There he purposed with the approval of the Board of Trade to establish groups of new settlers, and erected a stockaded fort, Fort Frederick, for defence against the neighbouring Indians. The project was bitterly opposed by the Massachusetts Assembly, and Dunbar suffered a very serious disappointment, for the Home Government refused to accept his plans for the setting up of a government of the Province of Georgia, as he proposed. The Board of Trade despatched a severe reproof to him for his failure to comply literally with the various Instructions that had been given him for the carrying-out of the Act of Parliament for the preservation of the American woods, and they went on "They do not approve of your having named the country which you are directed to settle, the "Province of Georgia," because it is part of and under the Government of Nova Scotia, and being called a Province, it may be thought distinct and not under any government. [They] therefore think that it should be named George County in Nova Scotia; and they think it proper to give your new settlements English names with English terminations, for which reason you will change the name of Fredericksburg to Frederick Town or Fort." (215).

The
Province
of 'Georgia.'

This project for the settlement of "Georgia" between Nova Scotia and Maine is reminiscent of that of Captain Thomas Coram in the same region, which was referred to in the Preface to the volume of the *Calendar* for 1716-17 (*Cal. St. Pap. Col.* 1716-17, p. xviii), though there was no direct connection between the projects. The real succession of Coram's scheme was in the enterprise in which he joined with Oglethorpe to found a Georgia to the south of Carolina, and which is mentioned later.

But, whatever names were used, Dunbar could not get on with the new settlement. The Massachusetts men were always complaining that he was interfering with their rights in Maine, and old land companies produced claims that dated back for a century to the days even before the French had come into the continental part of Nova Scotia. The story of the "Province of Georgia" is thus one of unredeemed failure. (See e.g. 79, 137, p. 83, 175, 197, p. 239, 243, 254, 430, 563 i, 578, 593).

Dunbar's defence led to letters of extraordinary length with which he bombarded the Board of Trade. He made his headquarters in Boston and there he became involved in incessant disputes with the new Governor, Jonathan Belcher, and with the litigious Doctor Cook and the Assembly. Constant reports on the misdoings of the Massachusetts men were poured upon the Duke of Newcastle and the Board of Trade, which it is impossible to analyse here by reason both of their length and of the complexity of the matters in dispute. There can be no doubt that Dunbar was strongly biassed against everything the Massachusetts men did, but despite his utter lack of tact he was a very shrewd observer of all that went on, and his letters form an essential source for the history of New England at the time.

Governor
Burnet.

The death of Governor Burnet at the climax of his struggle with the Massachusetts Assembly had left his family without resources, for Burnet had not, as Governor of New York, yet succeeded in paying off the debts in which he had become involved while he was a Commissioner of Customs. If he had been allowed to remain in New York, he would have accomplished this, but when he was transferred to Boston for the public good, this chance was missed and his family appealed to the benevolence of the Crown for relief (641). Burnet had been appointed to Massachusetts to try what firmness would do to bring the recalcitrant Assembly to obedience, but, when that policy failed, the opposite direction was taken and a Governor was chosen from the ranks of the leading men in Massachusetts itself (December 1729). This was Jonathan Belcher who was appointed Governor both of Massachusetts and New Hampshire. Long consideration was given to the preparation of the Governor's Instructions, and it was not until

Jonathan
Belcher
as Governor.

the end of March that the draft was agreed upon and forwarded to the Secretary of State for acceptance (*Journal*, p. 102). An Order-in-Council was directed to the Massachusetts Assembly in May asking them to make good to the late Governor's family the sums that had been voted for his salary just before his death (*Journal*, p. 122), and at last in June Belcher went out *via* Madeira to take up his new task. (301). He arrived at Boston on August 8th (402), and within a very few days disputes began between him and Dunbar that provide the main topic of the despatches from Massachusetts for the rest of the year.

Conduct of
elections.

The conduct of an election in Massachusetts is described in one of Dunbar's letters which may be cited as an example of the narrow and exclusive temper of that colony. "The General Court met near [Boston] to elect 28 councillors according to the annual custom, when by a party made beforehand 8 of the old ones were left out . . . because they stink of the prerogative and a great number of the electors were for voting them out of all employments, several of them being Judges of the Courts of Law. At the late election of members for [Boston] which in imitation of London sends 4, one Mr. Cradock, an English merchant and a churchman, set up for one; the town was much alarmed at it, crying popery was coming in upon them like a torrent and they were to be devoured by the scarlet whore, such is their respect to the Church of England. It is impossible for any Englishman or Churchman ever to come into their House of Representatives whilst the elections are managed as at present. They are made by a town meeting, governed by a Moderator for that day, from whom there is no appeal. Doctor Cook was Moderator and also one of the candidates; he refused some votes and scrutinised others well qualified, but passed all who voted against Mr. Cradock. There is no precedent where an election was controverted in the House, nor any hopes there for a churchman." (274).

The
Governor's
salary.

It had been hoped by the Ministry that the appointment of Belcher, one of their own party, as Governor of Massachusetts would induce the Assembly to agree to the demands of the Crown for the proper provision of a Governor's salary. This hope was not fully justified, but a long step forward was made

towards a compromise. The objection had been that the Assembly had only provided money to support the Governor by semi-annual resolves and had refused to make permanent provision by means of an Act. Now they passed an Act furnishing the Governor with his salary until the next session and pledging themselves then to pass an Act setting aside money at the same rate for his support and so annually at the beginning of every session. (596, 597, 597 i.) This was not a full compliance with the instruction sent to Belcher, but it was a step forward and he recommended its acceptance. (596). In New Hampshire, of which Belcher was also Governor, the instruction was fully complied with and provision made for the regular payment of the salary in full. (579). That colony suffered a severe loss in December by the death of Lieutenant-Governor John Wentworth, who in contrast to Governor Belcher, had done his best to assist Dunbar in his attempts to protect the Crown's woods for the supply of naval stores.

New York. There is little of interest concerning New York during the period. Colonel Montgomerie, the Governor who had succeeded the very efficient Burnet, was not a good correspondent, and on occasion the Board of Trade had to complain that they had been without news from him for some months. The Attorney-General for the colony had been complaining grievously since 1728 that his salary which had been charged upon the sums derived by the Crown from the quit-rents in the colony, had been stopped since 1724. (95, enclosures i-ix). The Governor and Council supported him against the Assembly with whom he was in dispute, and at length the Board of Trade gave a decision in his favour and forwarded their report to the Duke of Newcastle, not only upon grounds of right but also of public policy. "It hath always been esteemed good policy," wrote the Board, "that the officers of the Crown in the American colonies should be maintained and supported in a reasonable degree that the people may by their means be restrained and kept in due obedience to the King, and in a just and requisite subordination and dependence on their Mother Country. . . It is the immediate duty of your Attorney General to see that the laws of Trade and Navigation be duly put in execution, and he

is obliged to prosecute or defend in all cases and suits where either the dignity, authority or interest of the Crown are in any manner concerned." The Board therefore recommended that the salary of the Attorney-General should be paid out of the civil list or quit-rents and he should not be left dependent upon the caprice of the Assembly's annual votes. (539 i, 629).

Divergence
of interests
in the
colony.

The Lower Countries of New York and those further up the Hudson round Albany did not see eye to eye on policy, for whereas the colonists near tide-water were mainly employed with shipping like those in New England, the up-country men were deeply concerned in relations with the Indians and especially the Six Nations. When it came to raising funds for the support of a garrison in the Indian country, the Lower Countries who had a majority in the Assembly, proposed to raise the money by a tax of twenty shillings upon every person trading with the Indians and three shillings a head for everyone who wore a wig. But the Governor had to point out to them that any additional impost on the trade would drive it into the hands of the French from Canada, who were already such powerful competitors. It was essential to maintain the fort at Oswego on which our control of the trade depended, and he therefore strove to raise the necessary amount by a levy on land throughout the province. However, though they gave way on the impost, the Assembly would not abandon their tax on wigs, and thenceforward the Oswego garrison, the great protection against the French Canadians, was largely dependent on the fashion of dressing men's hair. (622). The rivalry of the French for the trade of the Six Nations was unceasing, and Oswego was of extreme importance as a trading house and a screen for the Indians from designing machinations of the French in time of peace. The Six Nations must be kept in good relation, for they were a barrier between Canada and all the colonies from New York to Virginia. (p. 400). That the French had a just sense of the importance of the Indians was evident from the great expense they afforded, keeping emissaries among them, making presents to the principal men, inviting, entertaining and caressing them when they went to Canada and using all possible arts to ingratiate themselves, to magnify their own

The Indian
trade.

power and to depreciate that of the English. (622, p. 400 ; see also p. 218 for the routes used by the French). There was no doubt that the trade and power of Canada among the Indians was much greater than they had been some years before, and the Minutes of the various meetings between H. M. Commissioners and the representatives of the Indians who came to Albany (622, i, ii) are of considerable interest as evidence of the mounting rivalry that was to be of such paramount importance twenty years later.

Virginia
and the
Indians.

Besides New York the only colony having a comparable interest in border Indian affairs was Virginia, and the Governors of the two kept up a fairly close correspondence as to what was going on along the frontier. Thus in the summer of 1729 the Cattabaws (or Cuttabas), a tribe within the purview of Virginia, had taken prisoners in hostilities against the Six Nations, and at the request of the Governor of New York, Lieutenant-Governor Gooch of Virginia endeavoured to secure their restitution to their tribes. He strove to effect this service for our allies, but his task was rendered the more difficult by the nomadic habits of the tribes, who removed themselves some 400 miles from their former hunting grounds and became merged with other tribes so that it was no longer possible to identify them. (8, p. 6).

From Gooch's answers to the circular of enquiries sent to all the colonies we learn the interesting fact that the Indians actually in occupied Virginian territory were reduced to a very small number and consisted of nothing but a few fragments of tribes numbering but about ten families each. (pp. 217-8). There were no near Indian neighbours to the colony but the Cattabaws (Cuttabas) and Cherokees on the Carolina border and the Five (or Six) Nations to the north, both of whom were at least 400 miles away. (p. 218). The boundary of mountains between the colony and the interior was as yet little visited or explored, so that there was still a buffer of virgin territory between the English and the French in the middle colonies. The negotiations with the southern Indians were carried on by Sir Alexander Cumming in South Carolina, and an elaborate treaty was arranged with the Cherokees. (417).

Census
methods.

The method of carrying out a census in Virginia is described in the same report of Governor Gooch. The rule for computing the number of inhabitants was by the list of tithables on whom the public tobacco taxes were laid. They were all the white male persons above sixteen years of age and all blacks, male and female, above the same age. Of these there were about 51,000, of whom 30,000 might be reckoned blacks. Women and children were reckoned as treble these numbers. The inhabitants had greatly increased since 1720, as was evidenced by the fact that the number of tithables had gone up by at least 12,000. (pp. 216-7).

The
Tobacco
trade.

The attempts to improve the condition of the tobacco trade in Virginia by the introduction of new measures to control the quality of the product, which began in 1729, were noticed in our previous volume. Elaborate despatches from Lt. Gov. Gooch are here abstracted, which give a detailed survey of the staple trade of the colony at this period and have a close bearing upon the methods by which colonial trade was financed from England. (264, 289 and especially 348, pp. 202-207). Only a close, technical study of such despatches can give a comprehensive view of the complicated working of the Acts of Trade in practice in a colony wherein it was generally admitted that their provisions and restrictions were beneficial.

Dangers of
transporta-
tion.

An incidental mention of the dangers to a colony from the system of convict transportation may be noted. A special Act had to be passed by the Legislature of Virginia to punish felonious burning of tobacco houses and robbers of stores, "practices now become very frequent and encouraged by allowing the benefit of clergy to such criminals, especially since so many transported convicts are come among us, who make light of the punishment the law in that case inflicts." (289 iii).

The Georgia
scheme.

The mention of transportation leads on naturally to the project of General Oglethorpe and Thomas Coram for the relief of London and other cities from their vagabonds and destitute beggars by their shipment to a new colony to be founded to the south of Carolina. This was the real Georgia, which will fill a considerable place in subsequent volumes of the *Calendar*.

Here we have merely the original petition (546 i) which by order of a Committee of the Privy Council, dated 23 November 1730, was presented to the Board of Trade on December 3rd for their consideration and report. (*Journal*, p. 165). James Oglethorpe attended the Board to represent the petitioners and submitted a memorial in favour of their schemes. (586 i). A fortnight later the Board gave a favourable first report to the Committee of the Privy Council, subject to certain conditions (619), and so matters stood at the end of the year.

Carolina.

There were still many difficulties remaining in the Carolinas and in the Bahamas connected with the expropriation of the Lords Proprietors. By Act of Parliament an agreement had been made with seven of the eight Lords Proprietors of Carolina for the surrender of their title and interest in that Province to the King. John, Lord Carteret, would not join in the agreement with his seven co-proprietors, but petitioned that one-eighth of the soil might be set out by Commissioners and allotted to him, in which case he was prepared to surrender his share and interest in the Government of the Province (240 i). The petition was referred by the Privy Council to the Board of Trade, (240), and they delivered their opinion that since Carteret's relinquishment of his rights of government could be secured in no other way, it was best to accept his offer (253). The matter, however, gave rise to many difficult questions as to the way in which lands had been granted by the Lords Proprietors, and these had to be referred to the Law Officers (272, 279, 281 i). Enquiry was made of Lord Carteret as to what value he set upon his claims (344, 364), but he declined to state it and persisted in his petition to be allotted one-eighth of the land ungranted in the Province and one-eighth of the arrears of the quit-rents. (371, 384). No agreement could be reached and the matter was still dragging on more than a year later. (February 1732, *Journal*, p. 278).

§ III.

THE WEST INDIES.

The
Bahamas.

Carteret was just as obstinate in regard to the Bahamas, and although the other five Proprietors offered to surrender their remaining rights for 1000 guineas each clear of all expenses, providing they might reserve all arrears of rent due at the time of their surrender (168), he again refused to join (p. 269). The Board nevertheless recommended that the offer of the other proprietors should be agreed to (p. 280) and that a bill should be prepared for presentation to Parliament to carry out the purchase. The matter had not, however, been completed before the end of the year.

Captain Woodes-Rogers continued his troublous efforts to bring about order and progress in the Bahamas colony, but the accounts he gave of it showed what a very poor and wretched community it was. (482). The representative Assembly was now at work and observing all the traditional procedure for the passing of its Acts, but it seems almost ludicrous that such a weight of constitutional machinery should have been imposed upon so small and feckless a community as the Governor depicted. The people were so shiftless that they would not even take part in the gathering of salt from their great salt-pans, which might easily have produced enough to supply all the American fisheries and the Northern Colonies (p. 314). They had been so long accustomed to neglect the salt seasons that, except they were stirred up, little or nothing would be done but raising a small stock of provisions and waiting in expectation of wrecks, till they were almost naked.

Woodes Rogers was anxious to attract immigrants for the development of sugar culture in the Bahamas, and he gives an interesting side-light on the migratory character of the white population in the West Indies which shows that the great surges of people from island to island, which marked the last half of the seventeenth century, had not yet died away. People without land wanted to come from St. Christopher's to begin

sugar works in Cat Island and would bring negroes with them, and there would, the Governor thought, be a great many people from Bermuda, St. Christopher's, Barbados and the Virgin Islands who were on the move. It would be better that they should be attracted to the Bahamas than to the French and Dutch Colonies, whither many had already gone. Others had gone to Carolina and Pennsylvania, and more were going, especially from Bermuda and the Caribbee Islands, which were so full of people and had so little land that they could not be supported there. (p. 315).

Captain Gascoign in H.M.S. *Alborough* with H.M.S. *Happy* was being employed to survey the Bahama Islands, the Bahama Passage, the coasts of Cuba and Florida and the Windward Passage, and had finished the drafts of all he had done for the Admiralty. This provided the navy for the first time with accurate charts of those dangerous waters, for which they had previously been dependent upon scanty and unreliable sketch maps (p. 317). These surveys furnished essential information when English operations were undertaken against Havana and St. Augustine and other ports in Florida during the Seven Years' War.

Captain
and Mrs.
Phenney.

The Phenney's, of whom so much was heard in previous volumes of the *Calendar*, had left the Bahamas, but they were still attempting to meddle in the affairs of the colony and cause disaffection against Governor Woodes Rogers (413). But there were signs that all was not well with the redoubtable partners themselves. Mr. Phenney at his departure from the Bahamas entreated the Governor to keep his wife on the island so that she should not follow him to Great Britain where he had, he said, sufficient evidence to prove all that was expected at Doctors' Commons for a divorce. But in the end he carried his spouse away with him to Carolina and thence to London, where she was certain to be as noisy and troublesome as she could, with him behind her to set her on underhand. (480). Rogers's expectations were not disappointed, for soon afterwards we begin to find record in the *Journal* of many appearances of Capt. Phenney before the Board of Trade which continued well on into the following year. However, the precious pair were safely

out of Woodes Rogers's way in the islands, and their departure must have greatly simplified his tasks of government.

The
Bermudas.

The pressure of population on the slender resources of the Bermudas made those islands a steady source of emigration to other colonies. Lieutenant Governor Pitt's replies to the circular queries of the Board of Trade, which were sent out in 1729, enable us to perceive the gradual decay of the Colony and its enterprises. Only by the maritime activities of its people were they able to survive. The inhabitants had been decreased within four years by upwards of 2000, several families having been obliged to move to other colonies because of the poverty of the islands, and many blacks had also been transported. There were in 1729, 5,086 whites and 3,688 blacks in the colony who lived almost entirely by the sea, the only exports being a few pineapples, cabbages, oranges and onions. The total annual revenue of the colony was only £300 from import dues. £45 on tonnage dues and £120 for rent of public lands, out of which all the charges of government had to be paid. (11 i.)

The
Leeward
Islands.

We have remarked in previous Introductions upon the ludicrous over-provision of governmental machinery in the little West Indian islands and the constant scramble for fees to which this led between rival officials. The Leeward Islands despatches continued to be filled with accounts of disputes over the claims and extortionate demands for fees of Wavell Smith, the Secretary of the Colony. During 1730 he was engaged in a violent controversy with the Assembly of St. Christophers (262, 327, 500) to which reference has already been made in an earlier part of this Introduction. After the death of Lord Londonderry, the Government again fell to the administration of the Lieutenant-General, William Mathew, in the interim before the arrival of Lord Forbes, the new Governor. Mathew, who usually resided in Antigua in accordance with his Instructions (156), was very assiduous in complying with the demands of the Board of Trade for statistical information, and there are elaborate papers here listed in which he supplied details concerning every district within his Government (236. i-xxxiii), some of which were duplicated (e.g. 263 iv and xxxiii). To some of the enquiries of the Board he was unable to give exact answers. Thus he

wrote, "I am very much at a loss how to send the latitude and longitude of every island in this Government, which (the Virgin Islands included) are a very great many. I want instruments for that purpose, and am so little used to such observations, that I could not depend on my own exactness," despite the help of such artists as were to be found in the islands. (262).

Trade of
the Sugar
Colonies.

The most interesting of the many papers forwarded by Mathew is probably a long Memorial prepared by Mr. Dunbar, Surveyor-General of Customs, on the state of the English sugar colonies with respect to the trade of the Northern Colonies, Surinam and the French Islands. (468 i). This important paper gives a long and carefully argued account of the whole of the maritime trade of the West Indies with the American Plantations and Europe at the period, and it is worthy of careful attention, for it is too long and detailed for summarisation. The picture painted by Dunbar of the decline of the trade of the British islands and the success obtained by the French and Dutch competitors deserves comparison with earlier and later accounts, for it seems to prove that the decline of the English sugar colonies was giving very serious concern to the authorities long before the period after the Peace of Paris when it was universally recognised as a matter of first-rate importance. Dunbar's Memorial may appropriately be supplemented by a despatch from Governor Worsley of Barbados, in which he gave some account of the trade of the French islands and their competition in the Plantation trade (315), and a petition from the planters of Barbados and the traders to the sugar colonies with the comments of the merchants in the Northern colonies which were presented to the Privy Council in November 1730 (549 i and enclosures).

Barbados.

The internal condition of affairs in Barbados was unusually quiet (141), but taxes were very much in arrear, and Governor Worsley found it impossible to get regular returns from the planters as to the numbers of their negro slaves (565). Three parishes in the island had paid their taxes and made their returns promptly, but there was a very great struggle to turn the representatives of those parishes out of the Assembly, in which the malcontents were successful. To do this they gave as much

as £150 for a vote, ten moidores being a common bribe, and £6,000 was spent in the election in two of the parishes although bribery had previously been uncommon at elections in the colony (p. 372).

Jamaica. Some mention has already been made of the state of affairs in Jamaica in connection with our relations with Spain and the Spanish threats of invasion of the island. There was less obstruction than usual in the Assembly, and Governor Hunter was able to write, "I think I am in a way of getting the better of the unaccountable opposition or obstruction that has hitherto been given to the public affairs of this island, so that I may have the satisfaction of doing H.M. effectual service in promoting the security and prosperity of a Colony of such importance to the trade of Great Britain." (143). This unaccustomed reasonableness may have been due to the fears of the planters at the continual decline of the white population and the dangers of a serious servile revolt in the colony.

Decline of white population. As the Governor wrote, the planters increased in wealth and numbers of slaves, but declined yearly as to white or free men. (112 and see 627 i). To remedy this evil an Act was passed obliging the planters to provide themselves with a sufficient number of white men on their estates or pay certain sums of money into the Treasury. White women, white boys and white girls as servants, were to stand as deficiencies, for it was the male white population capable of bearing arms that it was essential to increase. (225). The number of free mulattos and free negroes was daily increasing, and they earned their living by hawking and peddling about the streets, and so were an assistance and shield of the runaway negro slaves. To guard against this danger an Act was passed to restrain all mulattos, Indians and negroes from such practices and to compel them to join in pursuit after rebellious negroes at the command of any magistrate or military officer. (p. 106).

Deficiencies in defence. But such assistance was not always very dependable. The proclamation of martial law in the face of the threats from strong bodies of rebellious negroes in several parts of the island, and particularly near Port Antonio on the defenceless windward

side, had revealed to the planters the deficiencies in numbers of their forces of defence. The chief strength of the militia consisted of indentured servants and Irish Papists who could not be relied upon. Two parties, who had been sent out against the rebels near Port Antonio, had been ambushed and beaten, and it was feared that if a third were repulsed it would precipitate a general servile revolt throughout the island accompanied by all the atrocities of vengeful slaves little removed from their native savagery. The free negroes and slaves who were sent out upon these parties behaved much better than the white people, but it was obviously unsafe to trust that this would always be the case. The only reliable remedy was to station two regular regiments in the Island and entrust its defence to them, calling upon the Assembly to pay the cost. (309). But this the Assembly would not readily consent to; they wanted the protection of the English troops, but they would not pay them, for they speciously pleaded that they were needed to ward off the Spanish menace and so should be a charge upon the imperial Exchequer. Their constitutional arguments might on paper be quite sound according to precedent, but far-sighted persons in the island knew that it was protection against the negroes that was being sought in reality, for no faith could be placed in the experience of the colonial officers or in the discipline of the island militia. (p. 413, 627 i).

Decay of
Jamaican
prosperity.

In reply to the circular enquiries of the Board of Trade, Governor Hunter forwarded a full account of the state of the colony which gives a very depressing view of the decay of the island's prosperity. (627 iii). The white population was only 7,648, made up of 2,171 masters and mistresses, white men servants 3,009 and women 984, with white children 1,484. This contrasted unfavourably with the number of 10,000 white inhabitants who were computed to be living in the island a few years before. Of course, it is possible that this computation was guess work and the numbers were rated too high, but undoubtedly it was the general opinion that the white population was shrinking. On the other hand there was a great increase in the number of slaves, which was calculated to be more than 74,000, i.e. about 10 blacks to every white man, woman and

child. Governor Hunter was particularly anxious to encourage immigration, and denied the idea that there was no waste land for grants to immigrants in Jamaica. There was plenty still unallocated, and he suggested the introduction of a system like that adopted by the French to promote the colonisation of Hispaniola. They "have an admirable method of improving and cultivating their colony; the King by his order obliges every merchant ship trading thither to carry a proportionable number of white people according to their tonnage, freight free. Upon their arrival the Government allots them a proportionable quantity of acres suitable to the number of their families, gives them credit for a number of negroes and utensils for manuring their ground with sufficient provisions until the land given them can produce the same; for which the poor people give bond to the King to pay the value of the negroes, utensils and provisions so soon as the lands so given them shall produce the same." (p. 416). Hunter therefore brought forward again the oft-mooted proposal of an Emigration Fund for Jamaica similar to the French fund for Hispaniola (p. 417), but he was unable to give any assurance that the planters would make their contributions, and so the whole burden might fall upon the British Treasury.

Schemes
for the
encourage-
ment
of white
immigra-
tion.

On the other hand, the authorities in England believed that additional white population might be secured by giving out the lands of the rebellious negroes to such of the soldiers of the regular regiments sent to Jamaica or of the Independent Companies as were willing to settle and develop plantations. (521). The old idea of establishing a race of yeoman farmer settlers was tenaciously clung to, though, as the population figures show, it was meeting with no success. There was a small class of landed proprietors tilling their plantations with slaves and another larger class of white indentured servants or wage earners, who were landless and had little property. The circumstances of a slave economy were too powerful for any breach to be made in the system, and matters continued to drift along despite all the despatches that were written backwards and forwards.

Fear in
the colony.

The descriptions of the servile outbreaks and the none too successful expeditions to suppress them are given at length in many letters, but we need not recapitulate them. They leave the impression of Jamaica as a community riddled with fear, on the one hand of a savage revolt of its slaves and on the other of treachery and insurrection in concert with the Spaniards of the Irish Papists, who mostly made up their indentured servants. To crush the negroes the Papists alone were available, and they could neither be disciplined nor trusted. (For papers on the servile revolt see especially 112, 309, 351, 457, 519, 627, 627 i.)

The logwood
cutters
of Honduras
and
Campeachy.

The old disputes with the Spaniards about the logwood cutters of the Bay of Campeachy were rankling as they had been for many years. Ships containing cargoes of logwood were seized by the Spanish naval vessels wherever they were met with (e.g. 88), regardless of the place where the wood had been cut. The Bay of Honduras was now a more common source than the Bay of Campeachy, though the logwood cutters were still persisting in their efforts at the island of Triste there, despite their expulsion by a Spanish expedition some years before. There is an interesting letter of complaint (280) to the Council of Trade and Plantations from a man engaged in the trade, which gives many particulars of the persistence of the cutters despite the repeated renewals of the Spanish attacks upon their ships in Campeachy. They were willing to run great risks for the sake of the profits to be made. The common price of logwood in the Bay was 5*l.* a ton, but it sold in England for 13*l.* and sometimes up to 18 or 20*l.* a ton. Fourteen ships were taken by the Spaniards there as late as May 1730; while they were lying at Triste their crews were absent, being engaged in logwood cutting as far away as 100 miles up-country in the woods. The Spaniards had taken a sloop belonging to New England and cut all the ship's company to pieces in cold blood, only the cabin boy escaping. (p. 135). The complainant himself recounted that he had been taken by them and carried to and put ashore on a desolate island without an ounce of victuals, where he lived miserably 13 weeks and 2 days before he got off. (p. 135). The trade was mainly based upon the harbours

of Jamaica, and it was still an important source of employment to the ships and sailors of that colony, although many of the men engaged in it came from the ports of New England and belonged to merchants there who carried their cargoes for sale to the ports of European countries direct without touching in England.

COLONIAL PAPERS.

1730.

Jan. 2 **1.** H.M. Additional Instructions to Lt. Governor Dummer.

Whereas an unwarrantable practice hath of late years been introduced into the proceedings of the Assembly of the Massachusetts Bay, of raising money and supplying the current service of the year by a vote or resolve instead of an Act of Assembly, and of reserving thereby to the said Assembly a power of determining what accounts shall or shall not be paid even after the services performed, expressly contrary to the tenor of the Charter etc., Whereby they are impowered to raise moneys for the support of Our Government and for the defence of the Inhabitants by Act or Acts of Assembly only, and the issuing of the said money when raised, is expressly reserved to Our Governor for the time being, with the advice and consent of Our Council of the said Province : Now Our will and pleasure is, and We do hereby require you to take care for the future, that no money be raised, or Bills of Credit issued in that Our Province but by Act or Acts of Assembly, in which Act one or more clauses of appropriation may be inserted, but that the issuing of all moneys so raised, or bills of credit be left to Our Governor or Commander in Chief with the advice and consent of our Council according to their Charter, subject nevertheless to a future inquiry of the then present or any other Assembly as to the application of such moneys. And Whereas complaint hath been made to us, that certain illegal and unaccustomed fees on shipping have been lately exacted within Our Said Province, Our further will and pleasure is, and we do hereby strictly command that neither you our said Lt. Governor, nor any succeeding Governor etc. do presume to exact or demand any other fees than what are legall, and have been customarily taken by the Governors or Commanders in Chief of that Our Province for registering of ships and for lett passes on any pretence or account whatsoever. [*C.O.* 5, 192. *ff.* 431, 432.]

Jan. 2 **2.** Governor Johnson to Mr. Popple. I begg leave to give you some further thoughts (*cf.* *Dec.* 19, 1729) in respect to the better settling of Carolina, to be laid before their Lordships, if you shall think proper etc. (i) As there are many people now

1730.

settled upon the River of Wynieah, I conceive to be necessary to lay out a town, make it a port of entry and appoint a Collector there. (ii) As I conceive it will be of very great service and security to the Colony to encourage the building of towns, *asks for instructions as to grants of land and laying of them out etc.* (iii) For the better settling of this Colony by the encouragement of new products *proposes* a bounty on raw silk, pott ash, wine and live oak *etc.* much wanted in H.M. docks and the best oak in the world for that service, and of all H.M. Dominions in America, only grown in Carolina. (iv) It would be of very great encouragement to the making pitch and tarr and not any of the least detriment to H.M. firr or other timber trees, that I should have instructions to give leave to all persons requiring it under proper restrictions to make use of the dead light wood trees lying or standing upon H.M. lands or the lands not patented, as they are of no other use *etc.* (v) *Suggests that* patent officers be obliged to act in person, and not by deputy. *Signed, Rob. Johnson. Endorsed, Reed. 3rd. Read 28th Jan., 17³⁰. 2 pp. [C.O. 5, 361. ff. 46, 46v, 47v.]*

Jan. 3.
Annapolis
Royall.

3. Governor Philipps to the Council of Trade and Plantations. *Begins with duplicate of Nov. 25, 1729. Continues:—* As the bringing the French inhabitants of this Province to an entire submission and due allegiance to the King (who are at this time a great body of people) has been thought a work of very great consequence to its safety and welfare, and therefore takes up a considerable part in H.M. Instructions to the Governour, your Lordships will now see by the enclos'd parchments and the progress made therein in less than three weeks, that I have had that matter at heart and my hopes of succeeding not to have been ill-grounded. The subscribers thereto are the whole Settlement of this River to a man from sixteen years of age upwards, whereto they are pleas'd to express that the good likeing they have of my Government in comparison of what they experienc'd afterward, did not a little contribute and therefore reserv'd this honour for me; Indeed I have had no occasion to make use of threats or compulsion nor have I prostituted the King's honour in making a scandalous capitulation in his name and contrary to H.M. express orders, as has been done by one Ensigne Wroth of my Regiment, copy whereof I could not omitt laying before your Lordships; that same Gentleman is now in England, gone home (as I am told) to demand great matters for his good service, how far they will be thought such I submitt, but were it my case to have presum'd to make use of the King's name without his authority, I shou'd expect a more suitable reward. Haveing finished with the people of this River, I must waite the breaking up of the winter to open a communication with the other Settlements up the Bay of Fundy, from whence I daily expect their Deputys

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thro' the woods, with assureances of the readiness of their people to submitt in like manner when call'd upon, where I judge it necessary for me to be in person for the more solemnity to give them the oath as I have done to all these, and then shall return to Canso, where I shall be expected. By a letter from Col. Dunbarr from Boston I am acquainted of his arrivall there, and from other hands, of the country call'd the King's Province or the Province of Main bordering on New England being put under his care, which I look'd upon to have been a part of this Government, but if it is determin'd otherwise, I have no objection to make but wish him success in the settling of it, which he cannot well faile in with the advantages and encouragement that Government is favoured with above this, particularly as Col. Dunbar is both Governour and Surveyor, he is at liberty to receive immediately all familys that shall offer whereas my hands have been tyed up from the beginning not to be loos'd but by his haveing finish'd the survey of this whole Province, whereby its settlement has been postpon'd and baulk'd all the time of my Government, and may continue to be it's fate some time longer; for I look upon it not to be the work of months but years and unless (in the doeing of it) reguard be had to the harbours and places that are most proper for settlements I am afraid to think that all encouragement will be quite taken away. Another priviledge granted to this new Government (as I am told) is to be free from Custom House Officers for seven years, which alone will draw many people to live under it, a favour I cou'd not procure for Canso tho' a mere fishing place where no other sort of business is carryed on; it is thought a great hardship that such an officer should be placed there any more than in the harbours of Newfoundland to fill his pocketts by obligeing all vessels to enter and clear, tho' they trade in nothing but the catching and euring of fish; I wish this matter were reconsider'd, it being a grievance that will (I am afraid) hurt the place if not dispens'd with. It is rumoured here that the Government of Placentia is likewise put on another footing. I must own it lay at too great distance from hence to be visited so often as necessary in the case of a bad lieutenant, and therefore as there was no sallary allow'd me for it, I submitt with patience to H.M. pleasure hoping it is done *salvo honore*. This being a chance opportunity of writeing which offers unexpectedly in this late season, I wou'd not omitt giving your Lordships an account of my proceedings up to this day, which I hope will meett with approbation, and procure me your Lordships' favourable representation of my best endeavours for H.M. service. I found at my comming a generall dissatisfaction in all parts, and disagreement between the two Lieutenant Governours about the right of power and command which drew the inferiour officers into partys. But I assure your Lordships it is now the reverse, joy and sattisfaction appears in every

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countenance among the people and in the Garrison tranquility, tho' I cannot answer but that the inward leven may still remain. I have the honour to wish your Lordships a happy New Year and many of them, *etc.* Signed, R. Philipps. Endorsed, Recd. 25th April, Read 11th May, 1730. 11 pp. Enclosed,

3. i. Oath of allegiance taken by the inhabitants of Annapolis Royal. *Je promets et jure sincèrement en foi de Chrétien, que je serai entièrement fidelle, et obéirais vrayment sa Majesté, le Roy George le Second, qui je reconnois pour le souverain Seigneur de la Nouvelle Ecosse e de l'Accadie. Ainsi Dieu me soit en aide.* 193 signatures. Witnessed by René Charles de Breslay, Prêtre, and 15 English officers *etc.* Endorsed as preceding. Parchment. 1 p.

3. ii. Address of the French inhabitants of Annapolis Royal to Governor Philipps. Welcome his arrival and hope that he will be completely convinced of their intention to submit to their gracious sovereign, King George. *Continues* :—We have unfortunately experienced on several occasions the great difference there is between your benign and just administration and that from which we are just relieved, all the more that we had in our hands the assurance which your Excellency had the goodness to give to us, signed by your hand, that we should fully enjoy the liberty of our Religion and the possession of our property until H.M. pleasure should be signified by your Excellency, of whose return we began to despair, and besides the utterly inhuman treatment of our good Pastor, M. le Breslay, whom we were even forbidden to see or to give him any shelter or the least assistance, whilst he was obliged to take refuge in the woods, where he has remained nearly fourteen months, had caused the utmost consternation among us, seeing that we could not exercise our religion nor even gather two or three together to pray, and that near the time when we had been required to take the oath of fidelity to H.M. by Lt. Governor Armstrong, notwithstanding that the teaching of our said Pastor has been on every occasion to render us sensible of the obedience we owe to a Sovereign, under whose benign government we had always been happy, for we had never been before molested or troubled in the complete exercise of our religion. This bad treatment, besides several other instances too numerous to mention made us apprehensive lest we should not have our religion safe and free, and even obliged us to defer taking the oath of obedience to H.M. till your Excellency's arrival,

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which happy day being come to our great joy and comfort, we are assured of seeing all our hopes fulfilled, and as your Excellency has consented in accordance with justice to give us back our good Pastor, we humbly pray you to accept our sincere thanks. We only await your orders to appear before your Excellency in order to give the last proofs of our obedience to His Britannic Majesty by taking the oath of fidelity *etc.* 156 signatures. *Endorsed as preceding. Copy. Parchment. French. 2 pp.*

3. iii. Ensign Wroth's Articles and Concessions to the French inhabitants at Mines, relating to the oath of allegiance, 26th Oct., 1727, with resolution of the Council thereupon that they are unwarranted and dishonourable to H.M. authority and government, 10th May, 1728. (v. C.S.P. 17th Nov., 1727 *etc.*) *Copy. 2 pp.* [C.O. 217, 5. ff. 188-189v., 191-197v., 198v.; and (abstract of covering letter with marginal notes for reply), 217, 30. p. 40.]

Jan. 3.
Annapolis
Royall.

4. Governor Philipps to the Duke of Newcastle. Duplicate of above covering letter. *Signed, R. Philipps. Endorsed, R. 13th. 11 pp. Enclosed,*
- 4. i. Duplicate of encl. iii preceding.
 - 4. ii. Duplicate of encl. ii preceding. *Parchment. 2 pp.*
 - 4. iii. Duplicate of encl. i preceding. *Parchment. 2 pp.* [C.O. 217, 39. Nos. 1, i-iii.]

Jan. 7.
Whitehall.

5. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before H.M. *Annexed,*
- 5. i. *Same* to the King. Upon reference of 6th Nov., report that "Mr. Morris behaved himself in such a manner, as sufficiently justifies Collo. Montgomery for having suspended him from the Council. If your Majesty should be of opinion that the said Mr. Morris is no longer deserving of the honour to serve your Majesty in the said Council, we humbly take leave to propose that Philip Courtland may supply his place" *etc.* [C.O. 5, 1125. pp. 141, 142.]

Jan. 7.
Whitehall.

6. Duke of Newcastle to the Council of Trade and Plantations. H.M. having been pleased to appoint George Burrington Esq. Governor of North Carolina *etc.*, you are to prepare a Commission and Instructions for him accordingly. *Signed, Holles Newcastle. Endorsed, Recd. Read 7th Jan., 17²⁹₃₀. $\frac{3}{4}$ p.* [C.O. 5, 293. ff. 1, 2v.]

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Jan. 8.

7. Draft of letter from [?Mr. Walter] to Governor Montgomerie, recommending to his protection Abija Smith and Ester Allaine, widow and daughter of Lewis Allaine, who reside at New York *etc.* [C.O. 5, 1093. ff. 128, 129v.; and (memorandum) 5, 1086. ff. 20, 21v.]

Jan. 9.

Wms.burgh.

8. Lt. Governor Gooch to the Council of Trade and Plantations. *Acknowledges* letters *etc.* of 22nd May and 20th June, received 1st Jan. *Continues* : The former, containing chiefly what your Lordships have thought fit to report to H.M. upon some of the acts past here, requires no other answer, than to assure your Lordships of my entire resignation to your Lordships' sentiments, and my resolution to bring the people of the Colony into the same temper, notwithstanding both they and I may in that particular of the Lighthouse differ from the opinion of the merchants and others, and still think it would be of great service to the trade. I shal observe your Lordships' direction in case the Burgesses attempt to apply the duty on liquors to the payment of their attendance by way of bill : But as I am apprehensive their first endeavour will be, as has been the practice heretofore, to pass this payment only by a resolve of their House, and to obtain the concurrence of the Council thereto, which will not admit of any such suspending clause, as your Lordships propose ; I hope my 14th Instruction will justifie me, if on some occasions, when it may be necessary for the publick service, I should gratifie the Representatives of the People with such money payment, instead of the tobacco they ought to have by law : since as well the private interest of the Burgesses, as the benefit of the people in being eased of so much of their tobacco tax, will have a considerable influence on preserving a good harmony with the Assembly, and those, they represent. Before your Lordships' letter came to hand, I had received a duplicate of H.M. Order in Council from Mr. Spotswood in relation to his lands in Spotsylvania : and his Agent here hath had notice that he may expect an exact conformity to H.M. pleasure signified therein. And it is a particular satisfaction to me to find that your Lordships sentiments with regard to the other patentees in that county are the same with mine, and the concurrent resolutions of the Council in that point. Your Lordships are pleased, 20th June, to recommend to my care the reconciling of the differences between the Nottoway and Saponie Indians ; which I thought I had in a good measure effected ; But the latter have prevented my further trouble by removing their whole nation 400 miles from our frontiers, and incorporating themselves with a nation called the Cattawbaws, who are at present in friendship with us ; How long they are like to continue so, I shal be able to inform your Lordships on the return of a Messenger I lately dispatched thither at the request of the Governour of New York, to redeem

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some prisoners belonging to the five Nations, taken by the Cattawbaws in an action the last summer. Notwithstanding I have used all imaginable diligence, both by offering a reward of £50 for the discovery, and by causing a strict eye to be kept on all suspected persons in order to detect those concerned in robbing and burning Mr. Lee's house, all my endeavours have hitherto proved to no purpose: from whence I conclude that the plate and goods they took were conveyed away to some other Colony immediately after the fact was committed, it being no difficult matter for such villains to find means to dispose of anything of that kind in places where their characters are unknown. So that all the recompence this gentleman has now in view, is H.M. bounty, to which your Lordships have had the goodness to recommend him. I am sorry to find myself obliged to differ in opinion with those who have recommended Mr. Thomas Corbin to your Lordships as a fit person to supply the present vacancy in the Council: I am far from offering to derogate from Mr. Corbin's character in his private life: on the contrary I am inclinable to believe him an honest well demeaning man, and had that been all that my Instruction requires of me, he would have had as good a claim to my friendship in this affair as any other gentleman. But my Lords his advancement to the station proposed for him will be very shocking and disagreeable to the gentlemen of the Colony; his temper is observed to be very unsociable; he is a person of no interest among the people; his private affairs are greatly perplexed, which cannot but add to the natural sowness of his disposition; so that I can't apprehend he can be at present of much advantage to H.M. service; besides, that part of the country where he lives, very retired, has in it already gentlemen of the Council of great interest in their neighbourhood; whereas in the parts where Col. Harrison lives, the person I recommended to your Lordships, there is not now any one of the Council, nor in all that tract on the south side of James River; and as our tributary Indians live in that quarter, and not very remote from Mr. Harrison's estate, I was the more desirous to have him added to the Board, on the present vacancy as one, who knows best the Indian affairs, and will have a much greater influence over them in composing their private quarrels, by being appointed a member of the Council, to whom those savages pay a particular veneration. And as he is a gentleman of a very ample fortune, and of a considerable interest amongst the inhabitants of that part of Virginia, I am humbly of opinion, he is not only the fitter of the two, but at this time more especially necessary to the publick service, when the southern frontiers are not without apprehensions of being disturbed on account of the late quarrel between the Saponies and the Nottoways, should the former return, to the quieting whereof no person in this country can be so instrumental. I forbear mentioning anything with regard

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to myself, but submit it to your Lordships' judgment after declaring the rules I shall always observe in my recommendation, which are, first, to chuse such as are of the best character and capacity, joyned with a good estate, and when two persons of equal capacity are candidates, to prefer him who has the most plentiful fortune. In the next place, to dispose of this office so, as there may be some in each part of the country, if such can possibly be found; for by that means the people will be the better screened from oppression, when in every neighbourhood there is one of the judges of the Supream Court to apply to, by whose authority they may more easily find redress. And this I take to be of no small importance to the tranquillity of the Government. These my Lords are my reasons for and against, and such they are, by what I see and know of Mr. Corbin in this country, as would for ever keep him out of my list. When I transmitted to your Lordships the list of persons proper to supply vacancies in the Council, I had not the least knowledge of what your Lordships mention concerning Mr. Gowen Corbin; he appeared to me, and proved to my enquiry, as he is a gentleman of a good estate, and as I never heard of any blemish in his character, from Colonel, on Mr. Beverly's death, I made him Lieutenant of a County. But since I had the honour of your Lordships' letter, I have examined into his conduct in what he was accused of wrongly, and am told, that having made a voyage to England on purpose to vindicate himself, he did acquitt himself of the offence charged on him to the satisfaction of the then Ministry, and I don't find he was ever questioned for it after his return, *etc.* *Signed*, William Gooch. *Endorsed*, Recd. 14th March [?1730] Read 12th May, 1731. *Holograph*. 3½ pp. [C.O. 5, 1322. ff. 136-138v., 139v. (*with abstract*).]

Jan. 9.
New
Hampshire.

9. Col. Dunbar to Lt. Governor Wentworth. A great number of masts fitt for the use of the Royal Navy having been cut clandestinely the last year, and being seized by my Deputy, were tryed and condemned for H.M. by due course of Law, and another larger number being lately seized near Tuck-away Mills, *proposes that* they may be taken by the Contractor for supplying the Navy and sent home in part of the numbers contracted. *Requests* him to send for the Agent with a view to his making him a tender of said masts, and to attest his answer if he refuses, as he has already done at Boston, *etc.* which will be scarce creditable at home *etc.* *Signed*, David Dunbar. *Endorsed*, in Colo. Dunbar's, Feb. 2. *Copy*. 2 pp. [C.O. 5, 10. No. 25.]

Jan. 10.
London.
11th mo.
called
January.

10. Mr. Partridge to the Council of Trade and Plantations. *Refers to* Memorial of 4th March, 1729, requesting report on six acts of N. Jersey. *He apprehends* some difficultye may attend the conformation of two of them (*An Act concerning the*

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acknowledging and registering deeds and conveyances of land etc., and an Act for shortening of law suits etc.). If they are not judged meet to be favourably reported upon, *prays to be informed* what objections are made to them, so that he may transmit them to New Jersey for the people's answer, and that meanwhile they may lie probationary and not repealed, since they are of great consequence to the people there. *Signed*, Richd. Partridge. *Endorsed*, Reed. 10th Jan., 17 $\frac{29}{30}$, Reed. 15 June, 1731. *Addressed*. 1 p. [C.O. 5, 972. ff. 203, 206v.]

Jan. 11.
Bermuda.

11. Lt. Governor Pitt to Mr. Popple. Encloses following and will send annual accounts as required. *No signature*. *Endorsed*, Reed. 21st April, Read 22nd July, 1730. 1 p. *Enclosed*,

11. i. *Replies to queries of the Board of Trade, 1729.* Same as those of former years, with following variations :—
 (i) 65 vessels of 100 to 15 tons, employing about 300 men. Within last six years the number of vessels has been decreased by about 20, worth with cargoes about £9000, the major part whereof have been illegally taken and destroyed by the Spaniards, whereby abundance of sea-faring men have lost their lives. (ii, v.) About £6000 of British and East India manufactures annually imported from London. No other trade, or imports, except Madera wines and foreign sugar, molasses, rum, imported on paying duties, which is constantly permitted in all other English Colonies. (v.) Plat exported to London. Indian corn and other provisions are imported from America. Some small quantities of corn and other provisions are annually produced here and some onions, cabages, and oranges, but none for many years shipped off except onions in small quantity. The vessels have been formerly freighted with pine-apples, cabages, and oranges, but they have for these 20 years past been very scarce and sometimes are not to be purchased at any rate, particularly this present year. There are also some cattle and sheep. (vii) The annual product of commodities, besides shipping, amounts roughly to about £2,500. (viii) Number of inhabitants, by an exact account taken 1729, White, 5,086; Blacks, 3,688. (ix) The inhabitants are decreased within these four years by about 2000, several families having been obliged to remove to other Colonys because of the poverty of this place, and also a considerable number of blacks have been transported. (x) Number of Militia, 675. (xi) The fortifications (*described*) have been for several

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years in a ruinous condition, but are now repairing at the very great expence of the country. They are in great want of small arms and ammunition. At the Castle and Paget's Fort are kept, at the expence of the country, a constant guard of four and two men respectively, who make signals on sight of any vessel approaching. (xiv) Annual Revenue, from duty on liquors imported, £300 (Bermuda money); powder money, or duty on tunage, £45; rent of public lands, £120. All which is appropriated to defraying the contingent charges of the Government *etc.* (xv) Number of acres cultivated in each parish (given), *Total*, 11,542, whereon no quit rents were ever reserved. This is the whole number of acres these Islands contain. (xvi) For the general reparation of the fortifications, which will cost about £500, an Act has been passed laying a duty of 3 p.c. for two years on all goods imported, (provisions and liquors only excepted) as also a duty of 6d. per head on negroes and 1/s per head on horses *etc.* *Same endorsement.* 9½ pp. [C.O. 37, 12. ff. 41, 42v., 45-49v., 51v.]

Jan. 12. **12.** Mr. Popple to John Scrope. Requests him to move the Lords Commissioners of the Treasury for their favourable orders in respect of the allowance to Mr. Hintz (4th Dec.) approved of by the Committee of Privy Council, "lest the season should be lost for performing a service of so much importance to the publick." [C.O. 218, 2. p. 167].
Whitehall.

Jan. 12. **13.** Lt.-Governor Wentworth to the Undertaker for the Agent for supplying masts to the Navy. *Recommends* Col. Dunbar's proposal of Jan. 9th q.v. *Signed*, J. Wentworth. *Copy.* ½ p. [C.O. 5, 10. No. 25A].
New Hampshire.

Jan. 13. **14.** Thomas Westbrook to Lt. Govr. Wentworth. *Reply to preceding.* Refuses, at great length, to accept the offer of the 12 trees, as they lie, because they are 80 miles distant from Falmouth, the port at which he must deliver them and where his men, oxen and stores are, *etc.* Will accept them if of correct size and delivered to him at Falmouth. The size of the trees he is obliged to provide is so great that it is difficult if not impossible to procure them in N. Hampshire. *Signed*, Thos. Westbrook. *Endorsed*, in Col. Dunbar's of Feb. 2. 5¾ pp. [C.O. 5, 10. No. 26].
Portsmo.

Jan. 14. **15.** Council of Trade and Plantations to the King. Offer for confirmation act of St. Kitts for raising a tax on negroes for erecting a court-house at Basseterre *etc.* (v. 20th June). [C.O. 153, 15. pp. 41, 42].
Whitehall.

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Jan. 15.
Whitehall.**16.** Council of Trade and Plantations to the King. Enclose following *etc.* *Annexed*,

16 i. Draft of H.M. Commission to Governor Burrington. In the usual form. [C.O. 5, 323. ff. 1-12v.].

Jan. 15.
Whitehall.**17.** Governor Belcher to the Council of Trade and Plantations. At their Lordships' request, offers observations upon the Instructions of the Governors of the Massachusetts Bay and New Hampshire. As to Instruction 51, the Governors have usually worn the Union Flag when on shipboard or in their barge, which has occasioned disputes with Commanders of H.M. ships. *Asks for* explicit Instruction. *Concludes* by suggesting that the Governor be instructed to recommend that all proper encouragement be given for raising hemp, and that seed be sent for that purpose; and that Massachusetts and New Hampshire appoint Commissioners from the neighbouring Provinces to settle their disputed boundary, *etc.* *Signed*, Jona. Belcher. *Endorsed*, Reed. 15th, Read 23rd Jan., 1730. *Addressed*. 8 pp. [C.O. 5, 871. ff. 1, 2-6v., 8v.]Jan. 16.
Whitehall.**18.** Mr. Popple to Lord Forbes and Col. Hart. My Lords Commrs. having under their consideration an Act of Antigua, 1728, *to supply the defects of an Act for constituting a Court of Chancery, etc.*, do desire to speak with you thereupon on Tuesday morning next, at 11 a clock. [C.O. 153, 15. p. 43.]Jan. 18.
Whitehall.**19.** Order of Committee of Privy Council. Considering that the power of granting lands within Nova Scotia is vested in Governor Philips by his Commission, they refer back to the Council of Trade the two draughts of Instructions submitted by them, to alter the same, by authorizing Col. Dunbar to lay out the lands for the new settlers and reserving the power to Governor Philips, according to his Commission, of making grants for the same. They are to add a clause requiring Governor Philips to furnish Col. Dunbar out of his garrison, with such a number of soldiers, as will be necessary to protect him, whilst upon the service for setting out the woods for the use of the Navy. *Signed*, Ja. Vernon. *Endorsed*, Reed. 24th, Read 26th Feb., 1730. 1½ pp. [C.O. 217, 5. ff. 142, 142v., 143v.]Jan. 21.
Whitehall.**20.** Duke of Newcastle to the Council of Trade and Plantations. His Majesty having been pleased to grant a Commission under the Great Seal to the Bishop of London to exercise Ecclesiastical Jurisdiction in H.M. Colonys and Plantations in America, bearing date the 29th April, 1728, I send you herewith a copy of it, that you may prepare an Instruction for the Governors of the said Colonys and Plantations prescribing to them (as they are enjoined by the said Commission) to support

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his Lordship and his Commissarys in the exercise of such jurisdiction, pursuant to the tenour of that Commission. *Signed*, Holles Newcastle. *Endorsed*, Recd. 21st Jan., Read 17th Feb., 17 $\frac{3}{8}$ o. 1 p. *Enclosed*,

20 i. H.M. Commission to the Bishop of London to exercise ecclesiastical jurisdiction in the Plantations *etc.* (v. *preceding*). *Printed*. 6 pp. [C.O. 323, 9. ff. 28, 29-31v., 33v.]

Jan. 22. **21.** Order of King in Council. Approving Commission for St. James's. Governor Burrington. *Signed*, Temple Stanyan. *Endorsed*, Recd. 30th May, Read 4th June, 1730. 1 p. [C.O. 5, 293. ff. 11, 12v.]

Jan. 22. **22.** Order of King in Council. Ordering that Governor St. James's. Burrington enquire into and report upon the complaints against Governor Sir R. Everard, as proposed by Council of Trade, 1729. *Printed*, N.C. Col. Rec. III 75 q.v. *Signed and endorsed as preceding*. 1 $\frac{1}{2}$ pp. [C.O. 5, 293. ff. 13, 13v., 14v.]

Jan. 22. **23.** Mr. Popple to Mr. Morrice, Mr. Yeamans and Mr. Whitehall. Tryon. My Lords Commissioners desire to speak with you *etc.* as 16th Jan., "with such other gentlemen as you think can give my Lords any light in this affaire" *etc.* [C.O. 153, 15. pp. 43, 44.]

Jan. 22. **24.** Order of King in Council. Additional Instructions for St. James's. all Governors are to be prepared directing them to assist the Deputy Receivers of 6d. per month from seamen's wages for Greenwich Hospital *etc.* *Set out*, A.P.C. III. No. 192, q. v. *Signed*, Temple Stanyan. *Annexed*,

24. i. H.M. Additional Instruction to Governors of Plantations referred to in preceding.

24. ii. Instructions to the Receivers by the Commissioners for collecting the 6d. pr. month *etc.* *Printed*. 4 pp. [C.O. 324, 36. pp. 168-170b.]

Jan. 22. **25.** Order of King in Council. Approving Additional St. James's. Instructions to Governors to be aiding and assisting to the Deputy Receiver of the 6d. from seamen's wages, *etc.* *Signed*, Temple Stanyan. *Endorsed*, Recd. 30th May, Read 4th June, 1730. 1 p. [C.O. 323, 9. ff. 38, 41v.]

Jan. 22. **26.** *Circular letter*. Duke of Newcastle to the Governors and Whitehall. Proprietors of Plantations. *Encloses* the King's Order for the cessation of hostilities and restitution of prizes to the subjects of Spain in America, in case such hostilities are continued against them, or any prizes have been taken from them by H.M. subjects since $\frac{1}{2}$ $\frac{1}{2}$ June, 1728. *Encloses* copies of Treaty of

1730.

Seville relating to this matter and the King of Spain's Cedula (encl. ii). *Continues* : The originals of which cédulas are sent to the respective Vice Roys and Spanish Governors in the West Indies, by the Captain of the man of war, that carrys these H.M. Orders to you *etc.* I need only add, that the former Orders from H.M. for the cessation of hostilities mentioned in the inclosed letter *etc.* are those which were sent to the late Rear Admiral Hopson dated 25th March, 1728, which he was to communicate to you : and tho' the like orders sent at the same time to America from the Court of Spain, have been so ill-obeyed, there is reason now to hope from the readiness with which the present cédulas have been issued, that an intire stop will now be put to those depredations which the Spaniards have not ceased to commit against H.M. subjects in America, and that the Spanish Governors will think themselves obliged to obey these orders. H.M. would therefore have you, if the like should happen for the future, make immediate application to them for redress, pursuant to the King of Spain's order, and send an account of it, and their answers and behaviour, to one of H.M. Secretarys of State for H.M. information, that in case of a refusal or delay of justice, complaint of it may be made to the King of Spain : and H.M. does strictly charge and require of you, that on your part you punctually comply with the obligations of the Treaties subsisting between H.M. and the Catholick King, that no occasion may be given to the Spaniards for making any complaint on that head. *Signed*, Holles Newcastle. *Annexed*,

26. i. Circular letter from the King to the Governors and Proprietors of Plantations. St. James's, Jan. 22, 1733. Whereas, upon the repeated complaints which Our Minister at the Court of Our good brother the King of Spain hath *etc.* made to the said King and His Ministers, that His subjects in America did continue to make depredations, as if a war existed, upon our subjects ; His Catholick Majesty has, in the most express manner, signified His pleasure to the Vice Roys of Peru and New Spain, and other the Governors and Officers of His Dominions in those parts, that the Orders for a cessation of hostilities, which he issued on the 25th of April, 1728, in consequence of what had been stipulated by the Preliminaries and by the Convention signed at the Pardo be strictly observed by all his subjects, and that accordingly all prizes taken by them from Our subjects in America from the time of the arrival of His said Orders at Cartagena, mentioned in the said King's cédulas to be on the $\frac{1}{2}$ June, 1728, be punctually restored, or in default thereof the just value of the said prizes and their cargoes at

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the time when they were taken, and that reparation according to justice be also given for any further damage occasioned by the detention thereof, till the time of their being delivered up, excepting seizures made on account of illegal trade in the places and limits prohibited by the laws, and the treaties of Peace and Commerce; Our will and pleasure is, that in pursuance of Our orders formerly issued in that behalf, all and singular Our subjects do forbear and abstain from all acts of hostility against the subjects of Our said good Brother, and that if any prize or prizes have been taken or shall be taken from his subjects since $\frac{1}{2}$ June, 1728, full restitution be made of such prize or prizes, or in default thereof, the just value of the said prizes and their cargoes at the time when they were taken, according to the authentic proofs and vouchers of such valuation, that have been or shall be produced by the respective owners *etc.*, and that reparation be also given according to justice for any further damage occasioned by the detention of such prizes, till the time of their being delivered up, excepting always any seizures that may have been or may be made on account of an illegal trade carried on contrary to the laws and the treaties of Peace and Commerce, and that the owners of the prizes to be restored, in pursuance of this Our order, shall freely enjoy the same and their effects, and carry them at their pleasure to their own Ports, and in execution of these our commands, you are to have regard to, and to govern yourself by, what is stipulated in the Treaties of Commerce subsisting between the two Crowns; and we do hereby strictly charge and command you, and all and singular our Officers and Ministers *etc.*, to take due notice hereof *etc.*, in order whereunto you are to take care, that they be duly apprised of this Our royal pleasure *etc.* You are to transmit unto us an account of your proceedings herein *etc.* *Countersigned, Holles Newcastle.*

26. ii. The King of Spain's Cedula for restoring prizes taken from the English in America. Seville, 14th Dec., 1729. As described above. The counterpart of preceding Instruction (*No.* 1). The Viceroys of Peru and New Spain are strictly to comply with this order *etc.* *Copy. Spanish.*
26. iii. English translation of *No.* ii. [*C.O.* 324, 36. *pp.* 171–192; and (*corrected draft of covering letter and enclosure No.* i), 5, 4. *Nos.* 40, 40. i.]

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Jan. 22. **27.** Council of Trade and Plantations to the Committee of Whitehall. Privy Council. *Enclose* following.

i. Draft of H.M. Additional Instructions to Governor Philipps. (v. March 25 and April 27.) [C.O. 218, 2. pp. 168-176.]

Jan. 22. **28.** Order of King in Council. Approving of four new St. James's. seals for New York, Nova Scotia, Leeward Islands and Bahama Islands. The Council of Trade and Plantations are to prepare warrants for transmitting them, empowering the Governors to make use of them, and requiring them to return the old ones *etc.* *Signed*, Temple Stanyan. *Endorsed*, Read 26th Feb., 1730. 1¼ pp. [C.O. 5, 1055. ff. 121, 121v., 122v.]

Jan. 22. **29.** Order of King in Council. Approving draught of St. James's. Commission for George Burrington to be Governor of N. Carolina. *Signed*, Temple Stanyan. 1 p. [C.O. 5, 21. f. 5.]

Jan. 22. **30.** Order of King in Council. Approving report of 7th St. James's Jan., and appointing Philip Courtland to the Council of New York in place of Mr. Morris *etc.* *Signed*, Temple Stanyan. *Endorsed*, Read. 30th May, Read 4th June, 1730. 1½ pp. [C.O. 5, 1055. ff. 129, 129v., 130v.]

Jan. 23 **31.** Mr. Popple to Mr. Burchett. Mr. Belcher, appointed Whitehall. Govr. of N.E., having desir'd to be particularly instructed whether, whenever he goes upon ye water in his own barge, as Govr. he is not to wear the same Jack as by ye 51st Art. of his Instructions he is to oblige ye Commanders of all ships to whom he shall grant Commissions to wear, my Lords Commissioners desire to know whether there is any objection *etc.* [C.O. 5, 916. p. 262.]

Jan. 26. **32.** Mr. Fane to the Council of Trade and Plantations. Has no objection to four Aets of Antigua, 1729 (i) *laying a duty on transient traders etc.* (ii) *enabling freeholders of the parish of St. Paul, Falmouth to choose a vestry.* (iii) *for the banishment of several negro slaves concerned in the late conspiracy.* (iv) *for raising a tax for paying the public debts etc.* But as to the Act to supply the defects of an Act for constituting a Court of Chancery, it is enacted that in case of suit of lands tenements or hereditaments when the interest or thing sued for shall lye in this island, and in case of personal demands where the person or persons of the defendant or defendants are or shall be in this island as residents, no decree or order touching the right thereof or against such person shall or may be made in any other place but this island (saving appeals to H.M. his heirs and successors) and if any order or decree shall in such case be made contrary hereto, it is declared to be void. The design of which clause

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seems to be to preclude the Court of Chancery here from proceeding in such cases as come within the description in this clause; and tho' I do not apprehend that any act of the Legislature of this island can in the least restrain the jurisdiction of any of our Courts here; yet I think this an attempt which should be discountenanced by your Lordships, considering it is so inconsistent with the duty and submission this Colony ought upon all occasions to shew her mother country. *Signed*, Fran. Fane. *Endorsed*, Reed. Read Jan. 26, 1731. 2 pp. [C.O. 152, 19. ff. 24, 24v., 25v.]

Jan. 26.
Boston,
New
England.

33. Lt. Governor Dummer to the Duke of Newcastle. *Encloses* duplicate of last letter and adds further remarks upon the state of the registers for ships, concerning which unjust complaint has been made *etc.* *Continues* :—There was at their first constitution paid to the Governor nine shillings in silver for each register, being one peice of 8/8 and an half, weighing 1¼ oz. silver, (one third whereof he allowed the Secretary) *etc.* When the bills of credit were first introduced, the Governor took 9 shillings in said bills *etc.* But since that, the bills are so sunk (and stil growing worse) that silver is sold at above 21 shillings of said bills pr. ounce, so that the original fee amounts now in bills to about 26s. 6d.; which is 3s. 3d. more than is now taken for the registers; by which it appears that the Governor has abated, instead of raising their price. The unreasonableness of the complaints will further appear, inasmuch as in the Courts of Justice throughout the Province all contracts for silver money are chancer'd accordingly; and the General Assembly themselves have proposed to compound for the said bills at 16s. per ounce, and offer no more than 13s. 4d. in new bills to be made out for 32s. of the present bills, as will appear by the enclosed bill projected by them in their last session, and for which they have appointed a Committee to procure subscriptions. The fee now taken for the Governor and Secretary amounts to no more than 5s. 9d. sterling *etc.* *Signed*, Wm. Dummer. *Endorsed*, Rd. March 20. 2 pp. [C.O. 5, 752. No. 48; and (endorsed, R. April 11th) 5, 898. No. 67.]

Jan. 26.
Boston,
New
England.

34. Lt. Governor Dummer to the Council of Trade and Plantations. Duplicate of preceding. *Signed*, Wm. Dummer. *Endorsed*, Reed. 21st March, 1731. Read 9th June, 1731. 2 pp. *Enclosed*,

34. i. Journal of House of Representatives of the Massachusetts Bay, 18th–20th Dec., 1729, with a bill *for ascertaining the value of the bills of credit, etc.* *Endorsed*, Reed. 21st March, 1731. *Printed*. 18 pp. [C.O. 5, 872. ff. 112, 112v., 113v.–122v. 123v.]

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Jan. 27.
Whitehall.

35. Mr. Popple to Governor Belcher. My Lords Commissioners having your Instructions under consideration *etc.* desire to know, (i) What number of bills are now circulating in the Massachusetts Bay, and to what value? (ii) What is the fund established for repaying them? (iii) Has that fund ever been broken into? (iv) For what services were they raised? (v) For what use have they since been apply'd to? (vi) How long will it be before the present bills can be discharged. (vii) Is there at present any necessity for a paper currency? (viii) If any, what value? (ix) And what is the reason of such necessity. (x) What fund can be proposed to prevent their being at discount? [C.O. 5, 916. p. 263.]

Jan. 28.
Whitehall.

36. H.M. Warrant appointing George Burrington Governor of North Carolina. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 5, 192. ff. 150–164.]

Jan. 28.
Whitehall.

37. Governor Belcher to Mr. Popple. *Reply to No. 35.* *Thinks* the amount of paper money in the Massachusetts Bay is about £200,000. The funds established for paying the bills are taxes and mortgages from those who have had them on loan. Bills issued to be drawn in by a public tax have been to defray the charges of Government. But those on loan have been for the convenience of a medium in trade, there being no gold or silver in the Province. The bills now out may be drawn in in five or six years, and much the greater part in half that time. *etc.* *Thinks* nothing would so much keep them from a discount as to emit them on a fund of silver and gold, "I mean for the Government to put into the public Treasury so much of those species, as to exchange to the possessors of the bills a certain value annually at stated prices into silver and gold. This method they are got into at New York where their bills bear but a small discount," *etc.* *Signed*, Jona. Belcher. *Endorsed*, Recd. 29th Jan., Read 6th March, 1733. [C.O. 5, 871. ff. 17–18v.]

Jan. 30.
Whitehall.

38. Duke of Newcastle to Mr. Poyntz. *Encloses* copies of letter and enclosures from Board of Trade relating to French encroachments at Sta. Lucia, St. Vincents and Tobago (*v.* C.S.P. Dec. 31st, 1729) *etc.* *Continues*: The King is persuaded that if His Most Christian Majesty's subjects have proceeded contrary to the agreement formerly made between the two Courts, and have done anything in regard to their behaviour towards the English that is not agreeable to the friendship and good correspondence that ought to subsist between two Nations united at this time by alliances and material interest, it has not been encouraged by any orders or countenance from their Court, and H.M. therefore does not doubt but that upon your laying this matter before the French Ministers, they will order the matter to be strictly inquired into, and that if upon examination

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it shall appear as is represented in those papers, such orders will be sent to the French Governors and other officers in those parts, whom it may concern, as will for the future prevent the like occasions of complaint. And H.M. would accordingly have your Excy. present a Memorial to the Cardinal, in which you will take notice of the agreement mentioned in the inclosed papers to have been made with the late Duke of Orleans during his Regency in 1720, and desire that matters may be kept upon the foot, on which they were then settled, and that the French in those parts may be strongly enjoined and directed to behave accordingly. *Signed*, Holles Newcastle. *Copy*. 2 pp. *Enclosed*,

38. i. Council of Trade to the Duke of Newcastle, Dec. 31, 1729. *Copy*. 3 pp.

38. ii, iii. Extracts of letters from Capt. Davers, R.N. to Mr. Burchett. v. Dec. 31, 1729, *encl.* iv, v.

38. iv. A statement of H.M. title to Sta. Lucia. *cf.* C.S.P. 2nd June, 1709. 4 pp.

38. v. Mr. Pulteney to the Board of Trade, Paris, Jan. 15, 1720. *Copy*. 2 $\frac{3}{4}$ pp. [C.O. 253, 1. Nos. 20, 39, 39 i-iv; and (*duplicates of covering letter and enclosure i only*) 40, 40. i.]

Jan. 30.
Admiralty
Office.

39. Mr. Burchett to Mr. Popple. *Reply to* 23rd. The Lords of the Admiralty have no cognizance of the power given by H.M. to the Governors of his foreign Islands, or Plantations, to grant commissions; and as to the ships, or vessels commission'd, as privatiers, or with letters of mart, or reprisals, or those hired to serve H.M. as tenders, or otherwise, their Lordships regulate themselves by her late Majesty's Proclamation, 18th Dec., 1702, directing what colours shall be born, as well by ships, or vessels, belonging to merchants, as others which are not of the Royal Navy, in which Proclamation their Lordships do not find any Jack in the form of that directed by H.M. to be born by ships commissioned by the Governor of New England, by the aforesaid 51st article of his Instructions. *Signed*, J. Burchett. *Endorsed*, Reed. 30th Jan., Read 3rd Feb., 17 $\frac{2}{3}$ o. *Addressed*. 1 $\frac{1}{2}$ pp. [C.O. 5, 871. ff. 11, 11v, 12v.]

Jan. 31.
London,
Mint Office.

40. Mr. Conduitt to Governor Montgomerie. The English Copper Company who have contracted to supply H.M. mint with fine copper *etc.*, have informed me that it will hardly be possible for them to continue to furnish so good copper as they have hitherto done, unless they can procure a sufficient quantity of New York oar *etc.* *Recommends them to his protection and favour.* *Concludes* :—If in return your Excellency desires any halfpence for the use of your Government they shall be delivered to your order here at the Mint price *etc.* *Signed*, John Conduitt. $\frac{3}{4}$ pp. [C.O. 5, 1093. f. 130.]

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Feb. 2.
St. James's.

41. Order of King in Council. Confirming Act of the Leeward Islands, *for raising a tax on negroes for erecting a court-house etc.* Signed, Ja. Vernon. Endorsed, Recd. 30th May, Read 4th June, 1730. $2\frac{1}{3}$ pp. [C.O. 152, 17. ff. 140-141v.]

Feb. 2.

42. H.M. Warrant appointing Philip Courtland to the Council of New York, and dismissing Lewis Morris. *Counter-signed*, Holles Newcastle. [C.O. 324, 36. p. 193.]

Feb. 2.
St. James's.

43. Col. Dunbar to the Duke of Newcastle. *Has taken a long journey through the woods in N. Hampshire and the township of Berwick in Maine. Continues:* In each I found very great destruction made this winter among the mast trees, tho' but little in comparison of what has been usually done in the winter season which is the logging harvest, for there are some people who are not to be restrained by any laws or orders and those are encouraged by others who say that the King has no right to lands or woods in those Provinces; upon the encouragement which I took upon me to give of promising a gratuity to an informer equal to the penalty mentioned in the late Act of Parliament for preserving the woods, I have had many informations, and have had a Court of Admiralty at Portsmouth, N.H., 21st Jan., where one man was convicted for cutting a mast 36 inches diameter, he was able to pay his fine, £50 sterl., but has 20 days by the Act to pay it. I wrote to Mr. Jaffrey the Deputy Judge of the Admiralty to pay the whole to the informer; he told me that as one moyety belonged to H.M., he could not pay it without a proper order. *Requests* that the Judge may be ordered to pay it accordingly in the presence of the Governour and me in open Court takeing a deposition from the informer that ye money soe payd him is for his own proper use and advantage without promising or designing to share it with any body *etc.*, first, that it may not be imagined I am to have any part of it, and next, that as it is rumoured that this informer is to devide ye sum with the person convicted, who is to have the whole made good to him by his confederates for not discovering them for cutting 75 more large trees in the same place and time he was accidentally seen to cutt the tree for wch. he is convicted. I have advanced part of ye reward to the informer, the moment sentence was passed to encourage others, and it had that good effect that I had occasion at the same place to desire a court on Wednesday last, where several were tryed, and the whole adjourned to another Court to be held there the 17th instant, it was putt off upon a doubt with the Judge whether he could legally give sentence for cutting trees 14 months agoe, because the Act of Parliament says that it may be done within 6 months after the fact committed. I told the Judge that those trees were libelled and the libell allowed by him to one of my Deputys within 4 months after the fact, and

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for want of sufficient proof adjourned from time to time, without a retraxit, and as the Court of Admiralty is allways open I hoped he would proceed to give sentence according to the evidenee I then offered him, which was as full as the law directs, he desired I would procure him the opinion of the King's Advocate here, Mr. Auchmooty as to the point of law, by which he would be governed at next Court, upon which, as the roads into the woods are now impracticable by an excessive snow which fell 19th Jan., *etc.*, I could not take a second journey into the woods as I intended to see many hundred yoke of oxen drawing timber on sleds upon the snow wch. in the woods is level. I came hither with much difficulty and danger on Saturday night last, and finding this oppertunity of a vessel to Bristoll have not yet had time to wait upon ye Advocate for his opinion, and I am the more anxious to write to your Grace by this vessel in hopes it may arrive in time to have an amendment to the late Act in some particulars, vizt., (i) the King's Officer must prove that the trees have been cutt within 6 months, wch. is very difficult, the onus probandi upon the offenders being onely as to place where, whether private property or noe. (ii) King's wittness with a citation in his pocket has been arrested at the Court door, and ye King's Officer obliged to pay the debt least others should be terrified thereby from appearing; ye country will make no law to protect wittnesses as in England, with subpoena's. (iii) The King in this country has not the same benefit of the law as a private man, for by a law here if any man suspects another, he can oblige the person to purge himself by oath, and if he refuses he is deemed guilty, if people were obliged to do the like for the King it would greatly checque them. (iv) Upon breaking up of the last Court sevell. were heard to say that if they must not cutt trees, they would girdle them, and then the King might take them, girdleing is to cutt 3 or 4 inches in breadth of the bark quite round, to prevent the sap rising, wch. would immediately destroy the tree and ye worm gett into it, so yt. it would onely be fitt to make boards. This action in my humble opinion deserves to be made felony. (v) When standing trees fitt for H.M. service are marked with the broad A for the King, the people in contempt do cutt downe such trees, and in derision to the King's Officers they put the like mark on trees of other timber and of no value. (vi) A great number of loggs seized, marked and condemned by due course of law, have since been openly taken away and sawed into boards and lumber *etc.* *Asks for some assistance in writing reports as directed in his Instructions.* The Agent for the Contractor to the Navy Board has refused to take above 100 large mast trees wch were seized and condemned, as part of his numbers contracted for *etc.* I made a formal application to the Governour *etc.* *Encloses copies to show how the Governor and he are*

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used, when endeavouring to act for H.M. service *etc.* *Continues :* The river of Piscatua parts the Provinces of N. Hampshire and Maine. Maine belongs to the Massachusetts Governmt., and has many forests of fine masts which when cutt must be brought into Piscatua River, and if any person on that side even at Casco, or 20 miles farther east, trespasses contrary to the Act for preserving the woods, they must, as well the offenders as witnesses, and the Surveyors come to Boston, wch. is 140 miles, and at this time quite impracticable, and here be tryed by a poor superannuated gentleman near 80 years old, who has already distinguished himself very partiall to the country, so that I have no sort of encouragement to cite offenders before him, his name is Byfield, and has a power of deputation, by vertue whereof he has appointed Mr. George Jaffrey Deputy Judge of the Admiralty for N. Hampshire, that gentleman is of the Council there, a man of fortune and good understanding and allways respectfull to H.M. Instructions to his Governours, and zealous in his interest. I am sure it would be greatly for the King's service that this gentleman was independent of Mr. Byfield, Judge of the Admiralty for N.H. and Maine, and Mr. James Jeffry Advocate, they are no relations nor write their names alike, there are other officers of the Court who may be named by the Judge, the tryals may be in one or both provinces, being only separated by a river little broadèr than the Thames at London. If H.M. approves of this, I hope with these Gentlemen's assistance soon to putt a stop to the destroying the masts *etc.* In my last journey through the woods I have seen innumerable fine trees, many now fitt, and others likely to be so for the Royal Navy, but they are 8, 9, 10 and 12 miles from water-carriage, but 120 oxen make nothing of them on sleds upon the snow. I have been thinking of an expedient to save the mast trees without expence to H.M. and so make my imployment useless, *etc.* *Proposes* that H.M. should give a premium of 10 to 25s. to owners of land when he had occasion to take trees for the Navy, of which each township or proprietor should supply a list *etc.* *Asks* if and how his expenses are to be allowed *etc.* Learns from Georgia that the people are very healthy, often visited by stragling Indians and impatient for his return, as he is for instructions about it. Has encumbered himself greatly for provisions and necessaries for the settlement, but is almost repaid by labour in clearing and improving land ; but if the settlement is baulked, this will be lost and he will be ruined *etc.* *Signed,* David Dunbar. 12 pp. [C.O. 5, 898. No. 68.]

Feb. 2.
Admiralty
Office.

44. Mr. Burchett to Mr. Popple. Encloses, for information of the Lords of the Admiralty, extract of Col. Dunbar's letter and Proclamation. *Signed,* J. Burchett. *Endorsed,* Recd. 3rd Feb., Read 6th May, 1730. 1 p. *Enclosed,*

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44. i. Extract of letter from Col. Dunbar to Mr. Burchett.
Duplicate of Dec. 10, 1729. 1½ pp.
 44. ii. Copy of Col. Dunbar's Proclamation (v. Dec. 10 *encl.* i).
 [C.O. 5, 871. ff. 96, 97-99v., 101v.]

Feb. 3.
 Boston.

45. Col. Dunbar to Mr. Popple. *Abstract. Refers to* letter of Dec. 29 *etc.* *Continues* :—I sett out on a journey thro' the woods in Main and New Hampshire *etc.*, where I have seen many forests of large white pine trees fitt for the Royal Navy, in the townships of Exeter, Nottingham, New Market, Rochester, Dover and Berwick, all about the several branches of head of Piscatua River, weh. are sufficient for the Royal Navy for many years, in my journey I found some wast committed this winter weh is the logging season, besides the masts offered to the undertaker, and when I was at Portsmouth in New Hampshire, and the undertaker at his house within 2 miles of the towne I applyed to Governr. Wentworth to give me an opportunity to make a formal tender of the said masts for H.M. use, a copy of weh. application and the answer thereto I herewith send you, and submit it to my Lords Commissioners for Trade and Plantations how the Governour and I are treated in this answer *etc.* His necessary occasions he complains to be called from to answer my tenders, was but 2 small miles from the Governour's house, and the offer he makes me of paying as much as he receives if I will put them on board in the river Piscatua is about a fifth part of what the contractor receives at home, and this too to be paid in rumm, molasses and course goods, in weh. the workmen are payd; this treatment is to make me uneasy with designe to have the imployment between the Agent and undertaker, that they may be under no contract, and then work their saw mills at pleasure *etc.* Upon the Agent's refusal, he ordered the trees to be barked, and will send them to England. They will serve for merchant ships, even if they are not thought fit for the Navy *etc.* *Continues* : I found some other wasts committed lately among the mast trees, and upon the promise of a reward, weh. I published in the printed paper I sent you, I had information against one man for one tree of 36 inches diameter, and had him fairly convieted at a Court of Admiralty in New Hampshire, and fined £50 sterl. I had another Court on Wednesday last, and the matter before it, was adjourned to the 17th instant, to have an opinion upon a point in dispute with ye Judge, from Mr. Auchmuty the King's Advocate here, there are unavoidable expences attending these prosecutions, for weh. I have no fund *etc.* Desires to know how he is to be re-imbursed. His predecessors had travelling charges allowed them. His deputies undergo great fatigue and their salary does not maintain them. He is obliged to employ more than he is allowed and to pay them out of his own pocket for, as matters stand at present in relation to the country people and

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the woods, fifty deputys cannot guard them, nor can they travel without a guide *etc.* *Refers* to his letter to the Duke of Newcastle, and hopes his proposal therein will be approved. No man would covet his employment long and execute it honestly *etc.* He was twice last week in great danger of being smothered in snow, his horse sunk in, all but his head. Yet he must be in the woods again and at the Court of Admiralty at Portsmouth on the 17th instant. Hopes to have orders by the first ships for the detachments from Col. Philips' regiment to attend him when making his survey of lands to be reserved for the Navy, as it is impracticable for him to go into the country and the woods without them, "for tho' in the new Province of Georgia the Indians and I have a good understanding and I am under little or noe apprehensions of any disturbance from them in making ye settlements, if they are to go on, yet in Nova Scotia I do not hear that the people in their garrisons dare venture to go at any small distance, and are even insulted in their garrisons." *Desires* that the transport and provisioning of such detachments may be considered. He has proposed to the Treasury and Admiralty that he be allowed to build and maintain a small vessel, but fears he has no interest to prevail. *Continues* : "It is a pleasure to me to find that upon my applications at home to the Lords of the Admiralty their Lordships have directed some oak from these countrys to be sent home for the Royal Navy, there is abundance of it, but everyone at liberty to cutt and use it, great quantitys are yearly sent to Cadiz for the King of Spaine, weh. I am disturbed at, but have noe power over it, as no reservation is made of any but white pines in the Act of Parliament, and even for them there are defects in the Act" *etc.* *Fears* he may be thought at all the offices to be giving too much trouble *etc.* *Signed*, David Dunbar. *Endorsed*, Reed. 21st March, Read 6th May, 1730. 6½ pp. *Enclosed*,

45. i. Col. Dunbar to Lt. Governor Wentworth. Portsmouth, Jan. 9th, 1729 (30). *Proposes* to offer some trees found cut and seized by him and his deputies in New Hampshire, to the Agent for supplying masts *etc.* for the Navy, without any expence for them as they lye upon the ground, and requests him to send for the undertaker for said Agent and give him an opportunity of making such tender to him, and to attest his answer, and allow him (Col. Dunbar) to protest against the Agent upon refusal, as both he and the agent have done at Boston. If he does so refuse, asks advice as to what he shall do with the trees *etc.* *Signed*, David Dunbar. *Copy.* 1¼ pp.

45. ii. Lt. Governor Wentworth to Col. Westbrook. Jan. 12th, 1729(30). I believe it for H.M. service that those masts now tendered you by Collo. Dunbar be made

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use of by hawling out of the woods and shipping them home for England as a part of your contract, you receiveing them as they lye in the woods without any charges *etc.* *Signed*, J. Wentworth. *Copy.* $\frac{1}{2}$ p.

45. iii. Col. Westbrook to Lt. Gov. Wentworth. Portsmouth, Jan. 13, 1729(30). *Refuses* tender of trees (No. i), and expresses surprise that, after the Agent's refusal referred to, he, the undertaker, should be called in from his necessary occasions and threatened should he refuse this second tender *etc.* States, among other reasons for refusal, that the port at which he has to deliver masts, Falmouth, is 80 miles distant from said trees, and there are all his oxen, tackle, and a good part of his contract provided *etc.* *Offers* however, if Col. Dunbar procures any person to enter into bonds to provide a shipload of masts this season, agreeable to the dimensions mentioned in the contract, that such person shall be paid the full of what he has agreed for with the agent of Mr. Ralph Gulston, the Contractor, and that a ship shall come into Piscataqua River to receive them *etc.* *Signed*, Tho. Westbrook. *Endorsed*, Recd. 21st March, 17 $\frac{29}{30}$. *Copy.* $5\frac{1}{2}$ pp. [C.O. 5, 871. ff. 102-109v.]

Feb. 3.
Whitehall.

46. Council of Trade and Plantations to the King. Your Majesty having been pleased to appoint a Governor over your Province of North Carolina *etc.*, *propose that* H.M. order a publick seal for that Province *etc.* [C.O. 5, 323. f. 13.]

Feb. 4.
Whitehall.

47. Mr. Popple to Governor Johnson. My Lords Commissioners having your Instructions under consideration, particularly that in relation to the emitting of paper money, command me to send you the following queries, upon which I am to desire, you will consult the merchants trading to South Carolina *etc.* :—(i) What number of bills are now circulating in S. Carolina, and to what value? (ii) What is the fund established for repaying them? Has that fund ever been broken into? (iii) For what services were they raised? (iv) To what use have they since been applied. (v) How long will it be before the present bills can be discharged? (vi) Is there at present any necessity for a paper currency? If any, for what value? (vii) And what is the reason of such necessity? (viii) What fund can be proposed to prevent their being at discount? [C.O. 5, 400. pp. 271, 272.]

Feb. 4.
Whitehall.

48. Mr. Popple to Mr. Burchett. In reply to Dec. 30th, 1729, *quotes* correspondence and procedure relating to flags for ships commissioned by Governors (v. C.S.P. 1701. Nos. 552 i, 629 i, 682, 682 i). *Concludes*: My Lords had no doubt in

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relation thereto, but only desired to know whether ye Lords of the Admiralty have any objection to the Governor's wearing this Jack, when he shall be upon the water in his own barge, within his Government. [C.O. 5, 916. pp. 264, 265.]

Feb. 4.

49. Col. Dunbar to the Duke of Newcastle. Yesterday arrived a ship in a month from Cork the Master reports that Mr. Belcher, a merchant of this towne is appointed Governour *etc.* The people are much alarmed at it, particularly the Gentlemen of the Council against whom he declared war, when he undertook to go to England as Agent for the House of Representatives against ye late Governour and Council, and was allways a declared enemy to all Governours except Mr. Shute who was of his own religion, an Independent; the clergy and people of the Church of England in Boston are in great dread least ye report should be true, Mr. Belcher having upon all occasions shewne himselfe most virulent against them, and could not forbear even to those who had busyness at his shop or warehouse, to upbraid them for not goeing to lectures. I was once in company with him before I left London, and discoursing of the differences in New England I sayd their behaviour would draw the resentment of the Parliament upon them, and I instanced what was done in relation to Ireland about ten years agoe, the same that Mr. Burnet mentioned in the last message he sent to the General Assembly, his answer was that *felo de se* was the worst kind of murder. In this towne of Boston are 2 churches, one of them is called the King's Chapel, and ye Minister has a sallary from home, in it there is a handsome scat for the Governour, with the King's arms over it; if Mr. Belcher is Governour ye like will be put up in an Independent meeting House. I hope it is not soe, for I am sure from my own observations here that it will not be for H.M. service to have any native of this country appointed Governour, even tho' he were of the Church of England. Since this report I have been insulted and abused and called a land pirate for what I have done at Georgia, now that they have a Govr. of their owne as they say. P.S.—Mr. Belcher some time since married a daughter to one Mr. Loyd, a churchman, obliged him to promise he would never more go to the church of England, saying he wood rather cutt off his daughter's legs than marry her to a man of ye church, this a fact wch. he cannot deny. Signed, David Dunbar. 2 pp. [C.O. 5, 898. No. 69.]

[Feb. 4.]

50. Merchants trading to S. Carolina to the Council of Trade and Plantations. The yearly exports of said Province amounts to upwards of £100,000 sterling, and the present paper bills being about £100,000, does not amount to more than £15,000 sterling. In regard the Province is already under a very heavy debt, occasion'd by their late Indian war, and the

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forces they are still obliged to keep in pay upon their frontier, *pray the Board* to recommend that H.M. allow the Assembly to call in all the old bills, and in lieu thereof to stamp and issue £100,000, and no more in new bills of credit, and that the law now subsisting for sinking the paper currency, may be suspended for seven years, and the sums arising thereby annually apply'd towards the buying of tools and provisions for such poor Protestant people that will go and settle there. *Signed*, Jos. Wyeth, John Hewlett, Wm. Wragg, and 18 *others*. *Endorsed*, Reed., Read 4th Feb., 17 $\frac{3}{4}$. 1 p. [C.O. 5, 361. ff. 48, 48v.]

Feb. 5.
Whitehall.

51. Council of Trade and Plantations to the Committee of the Privy Council. Pursuant to Order of 18th Dec. last, *enclose* following draughts of Instructions to all H.M. Governors in America, except only the Governor of Bermuda, who has by his 28th Instruction, the profits accruing by the licences granted for the fishing of whales in lieu of £100 per annum, part of his salary *etc*. *Submit*, that, if a similar Instruction is sent to him, it would be reasonable that he should receive the said £100 pr. ann. in such other manner as H.M. shall please to appoint. *Annexed*,

51. i. Draft of H.M. Additional Instruction to Governors of Plantations. Whereas for some years past the Governors of some of our Plantations have seiz'd and appropriated to their own use the produce of whales of several kinds, taken upon those coasts, upon pretence that whales are royal fishes, which tends greatly to discourage this branch of Fishery in Our Plantations, and prevent persons from settling there; It is therefore Our will and pleasure, that you do not for the future pretend to any such claim, nor give any manner of discouragement to the Fishery of H.M. subjects upon the coast of the *Island . . Province . .* under your Government, but on the contrary, that you give all possible encouragement thereto. *Signed* by H.M. 6th March, 17 $\frac{3}{4}$. [C.O. 324, 11. pp. 160-162.]

Feb. 5.

52. Mr. Fane to the Council of Trade and Plantations. In reply to 30th May, 1729, thinks there is no material difference between the two Acts of 1728 and that of 1713. *Signed*, Fran. Fane. *Endorsed*, Reed. 6th Feb. 17 $\frac{3}{4}$. Read 16th June, 1731. $\frac{3}{4}$ p. [C.O. 5, 972. ff. 208, 211v.]

Feb. 6.
St. James'.

53. H.M. Warrant re-appointing Peter Forbes Provost Marshall, Jamaica, in the room of Alexander Forbes, deceased. *Countersigned*, Holles Newcastle. [C.O. 324, 50. pp. 6, 7; and 324, 36. p. 194.]

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Feb. 8.

54. Memorial of loss and damage (£8008 11s. sterl.) sustained by the Royal African Company by the taking of 251 negroes and provisions consigned to Jamaica on board the *Unity* captured by a Spanish *guarda costa* July 1722, off Tiberoon *etc.* Covering letter for Frances Lynn to Mr. Popple. African House, Feb. 8, 1730. 1 p. *Enclosed*,

54. i-xvi. Invoices and correspondence relating to foregoing. *Copies.* 78 pp. [C.O. 388, 92. Nos. 19, 19 i-xviii.]

Feb. 9.

Charles
Town,
Council
Chamber.

55. Address of the President and Council of S. Carolina to the King. We your Majesty's most dutifull and loyal subjects being truly sensible of the benefits we receive by your Majesty's great goodness in purchasing the soyl of this Colony, begg leave to address your sacred person with our utmost acknowledgments and thanks for the accomplishment of that blessing which has been so long wished for and desired *etc.* We assure your most sacred Majesty of our being most firmly and sincerely attached to your Royal Person and your most Illustrious House *etc.* We shall always endeavour to support and maintain your Royal Prerogative *etc.* May your Majesty, together with your Royal Consort, be evermore the delight and glory of all your people *etc.* *Signed*, Ar. Middleton, P., Ra. Izard, Wm. Bull, Fra. Tonge, Char. Hart, A. Skene, B. Schenckinigh, Benja. De la Conseillere. *Endorsed*, (Original sent to the D. of Newcastle) Read 15th April, 1730. *Copy.* 2 pp. [C.O. 5, 361. ff. 90, 90v., 91v.]

Feb. 11.

56. Resolution of the House of Commons. Address H.M. for papers and proceedings of the Board of Trade relating to the French settlement on Sta. Lucia to be laid before the House. *Copy.* $\frac{1}{2}$ p. [C.O. 253, 1. No. 41.]

Feb. 11.

Westminster.

57. H.M. Letters Patent appointing Edward Bertie and John Hammerton Secretary and Register of S. Carolina. *Copy, dated* Oct. 12, 1731. [C.O. 324, 49. ff. 72-75.]

Feb. 12.

Whitehall.

58. Duke of Newcastle to the Council of Trade and Plantations. Having laid before the King the inclosed affidavit *etc.*, His Majesty commanded me to refer it to your Lordships for your consideration, and that you may report a state of the case as it shall appear to you, and how far the French by this proceeding may have been guilty of a breach of the Law of Nations, and of the Treatys subsisting between the two Crowns; whereupon H.M. will send the proper orders to his Minister at the Court of France. *Signed*, Holles Newcastle. *Endorsed*, Recd., Read 13th Feb., 17 $\frac{29}{30}$. 1 p. *Enclosed*,

58. i. Deposition of Thomas Hodgskins, Carpenter, of St. Christophers, and Walter Chapman, St. Christophers. Sworn before Lt. Gen. Matthew. 19th Nov., 1729.

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Hodgskins deposes that, being on the island of Sta. Cruze and belonging then to the sloop *Chance* (owned by Francis Phipps of this island), which he was to freight for shares with the master, Walter Chapman, on 22nd Sept. last being on board the said sloop at the salt river on the n. side of the island, he did see in the offing a large ship and a sloop standing first down along shore to the westward, but the sloop, as deponent imagines, discovering the *Chance* bore away and run under the ship's stern, and then, as if she had received orders from the ship, stood in for the harbour where deponent was, which making deponent apprehend she might be a Spanish privateer he immediately left the sloop and got into the boat with another man and a boy to get on shore two small guns which had been mounted for protection of their sloop on a point of land at the harbour's mouth, and fired one to alarm the island and call in the English wood-cutters to his assistance. In the mean time the strange sloop was come in within shot of the guns having hoisted a small bit of a Jack at her Jack staff, which though all white he could not distinguish from Spanish colours worn in these parts by their privateers, which to deceive the English are only distinguished from French colours by a red cross so very small as not to extend above 3 inches; under these apprehensions deponent fired a shot ahead of her, but she still continued to make the best of her way to the *Chance*, and then deponent fired a second shot to hit her but did not hull her, then she put about and stood out again, till she met with two boats coming from the ship to her assistance full of men, and then Chapman, who had all this time continued aboard her, called to deponent to come on board to assist him to get his guns up that were then in the hold *etc.* By the time deponent with two or three men came on board, the strange sloop, having spoke with the two boats, had put about in order to come into them *etc.* They fired at her, but the shot went ahead of her, and they continued firing three more at her, but she still running in for them, they cut the sloop's cable and ran her on shore *etc.* The *Chance* taking a heel so as that they could still point their guns at the strange sloop *etc.*, but they did not fire at her, she in coming in having run on the bar that lyes with the harbour's mouth, but two boats from the strange ship coming to her assistance she got off *etc.*, and sent her canoe to the *Chance*. In the mean while deponent was busied at drowning and hiding the sails and geer and the goods and apparel

1730.

belonging to him and others *etc.* Chapman confirms preceding, and adds that the said canoe came on board and ordered him, the master, to go on board the strange sloop. In the canoe were two Frenchmen and Thomas Brett, an inhabitant of Spanish Town. Deponent asked them who they were. They answered French. He replied he would not quit his sloop to go on board them, if their master had any business with him he might come on board him. Very soon after he saw two boats or lances coming in for him full of men, and Brett telling him he had heard them on board the sloop threaten, that they would cut deponent in pieces, or some such words, he got on shore and took to the woods for shelter, carrying a negro of Col. Phipps, his owner, lest he should fall into his hands. In the mean while Hodgskins got on board from drowning the sails, and deposes that 100 men got on board from the two lanches *etc.*, and taking him to be master, demanded his papers *etc.* He answered he had none, upon which they run into the cabin, and begun to plunder and ransack, but the officer with them, who proved to be the second Lieutenant of the ship which was afterwards known to deponent to be a French man of war, prevented their doing any further mischief for some time. The said Lieutenant called other officers that were with him to consult with them (and as deponent imagines) they speaking French which he could not understand, they seemed to make the formality of a court, and condemn the vessell as lawfull prize, and then came to deponent and the *Chance's* crew that were then on board with drawn scimiters and swords, making signs that they would kill them, if they would not discover where the sails were hid, and even clapped a rope round deponent's neck, threatening to hang him immediately; and then one Henry Herbert, son to Joseph Herbert of St. Christophers being frigtnd, and as he thought to save his life discovered where they were hid under water *etc.* They then got the *Chance* under sail to get out of the harbour, but for want of a pylot run her on the bar, *etc.* They threatened deponent and his comrades to scourge and even kill them if they did not pylot her over the bar, which they persisted not to do. At midnight they took them on board the French sloop. Deponent happened to know the master of the sloop, whose name is Quitelle, a Creole of Martinique *etc.*, who received him in a friendly manner, offering him a dram to refresh him *etc.* Next morning the French in their boats went again into the harbour, and fell to

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plundering and ransacking two other English sloops, that then were there, both belonging to St. Christophers, *etc.* They cut away their masts and burned them to the water, then weighed anchor both in the French sloop and Col. Phipps's sloop and went out to sea after the French man of war, and anchored by her off the west of Sta. Cruz. Next morning, 24th Sept., he and the other Englishmen were carried on board the man of war, which he found to be a 54 gun ship, as the gunner, an Irishman, told him, but deponent does not think she had so many mounted *etc.* She had several cattle on board, and many passengers *etc.*, going from Martinique to St. Domingo, amongst the rest a daughter of Mrs. Renoult of St. Christophers, said to be come from France *etc.* The Captain enquired of deponent what he came to Sta. Cruz for, to which he answered he came to cutt some small timber to build him a house, he also charged deponent with being master of the sloop, but deponent convinced him he was not *etc.* He put two men as sentries with drawn swords over him for about 4 hours, and then ordered him to be put on shore, but refused to let him have his cloaths that had been taken from him *etc.* Deponent asked the Captain the reason of their behaviour, to which the Interpreter answered that it was by the King of France's order, which also was, that he should make a demand of the island. Deponent being on shore and about 100 of the ship's company, an officer with about 12 soldiers were sent with him into the country to find out some of the English wood-cutters inhabitants there, and deponent was required to get some of them to go on board upon assurances no hurt should be done them, but he losing the way at last brought them to the house belonging to one Seils an Englishman. *Describes* how he told Seils and another inhabitant, John Pope, not to apprehend any hurt and how they went on board the man of war and were civilly treated *etc.*, and next morning he and they were put ashore. The man of war on 26th Sept. sailed with the sloop *Chance* and those of her crew they took on board her, among the rest a negro belonging to Col. Phipps, and the aforesaid Herbert, to whom they had promised freedom on discovering where the sails were, and having taken off Sta. Cruze 5 other negro slaves all belonging to H.M. subjects, inhabitants of Tortala and Spanish Town *etc.* *Signed*, Thomas Hodgskins, Walter Chapman. *Endorsed*, In Mr. Burchett's of Jan. 28, 1730. *Copy.* 11 pp. [C.O. 152, 17. ff. 119, 120-125v., 126v.]

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[Feb. 13.]

59. Merchants trading to the British Colonies in America to the Council of Trade and Plantations. Replies to queries by the Board as to the amount, purposes and sinking fund of the South Carolina bills of credit. *cf.* Feb. 4 and 14th Aug. 1729. *Endorsed*, Recd. 13th Feb., Read 12th March, 17³⁰/₃₀. 2 pp. [C.O. 5, 361. ff. 55v.-56v.]

Feb. 14.
Portsmo.

60. George Jaffrey to Col. Dunbar. Questions as to penalty for cutting down mast trees, *etc.* *Signed*, Geo. Jaffrey. *Endorsed*, In Col. Dunbar's of Feb. 27. 2 pp. [C.O. 5, 10. No. 29.]

Feb. 15.
Port Antonio
in Jamca.

61. Governor Hunter to the Duke of Newcastle. *Acknowledges* receipt of letter of 9th Sept. with Order concerning Lynches Island *etc.* *Continues*: I am to meet the Assembly on 5th March and doubt nothing of obtaining an Act vesting the rest of the island absolutely in ye Crown, I mean ye remaining part of it which the Lords of ye Admiralty had not purchas'd, it having by a former act been sett apart for ye use of the town of Titchfield. I had granted no part of it, foreseeing the use it might be turn'd to for the services of H.M. ships of war in these parts, and had told Mr. Stuart who is here upon the place and much pleas'd with it, that I would do my best to procure such an act *etc.* *Continues*: Here are at this time five ships of war in ye west harbour, some cleaning by the shoar and all their crews in good health. Mr. Stuart has been very particular in his letters to ye Lords of Admiralty *etc.* He is very busy in building storehouses laying in materials for wharfing *etc.*, and ev'rything goes on with a promising appearance both as to the harbours and settlements. I struggle with much opposition but am not easily tyr'd out in what I believe I am aiming at for H.M. service to wch. I have devoted the remains of my life, and ye publick utility. When I arrive on ye other side your Grace shall hear more minutely from me. I hope you believe that I am wt. a most sincere heart and all imaginable honor and gratitude My Lord, your Grace's most humble and most faithfull servant, *Signed*, Ro. Hunter. *Endorsed*, R. June 8th. *Holograph*. 2²/₃ pp. [C.O. 137, 53. ff. 192-193v.]

Feb. 17.
Whitehall.

62. Council of Trade and Plantations to the Duke of Newcastle. In reply to 12th Feb., enclose following to be laid before H.M. *etc.* *Annexed*,

62. i. *Same* to the King. We have considered the affidavits of *Hodskins and Chapman etc.* (v. 12th Feb.). *Continue*: Upon this occasion, we take leave to represent, that if this matter be considered simply in the light of a seizure made by a French man of war, on a vessel belonging to some of your Majesty's subjects, it would be undoubtedly looked upon, as a breach of good

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friendship between the two Nations, in violation of the Treaty of Neutrality in America (1686), and of all the other Treaties of Peace and Commerce since that time ; But if the merit of this question, is to turn upon the right which either your Majesty or the French King may have to the island of Sta. Cruz, we conceive, it will be early enough to enter upon that disquisition, whenever the French shall avow this action, and attempt to justify it upon a pretence of right to the said island. [C.O. 153, 15. ff. 44-46.]

Feb. 17.
Whitehall.

63. Duke of Newcastle to the Governor of Barbados. Col. Selwyn, who enjoys by Patent the office of Chief Clerk, Register and Sole Examiner in Chancery, at Barbados, employing Mr. Dodsworth as his Deputy there, I beg that you will give him your countenance and protection, and particularly that in case his sickness or other necessary occasion should render him uncapable of executing those offices in which he acts as Deputy, his substitute may be allowed to do it for him, as has been formerly practised ; your favour in this will much oblige me *etc.* Signed, Holles Newcastle. [C.O. 324, 36. p. 195.]

Feb. 18.
Custom ho.,
London.

64. Mr. Carkesse to Mr. Popple. Governor Johnson having represented to the Commissioners the necessity of making Winyeau Bay (*v.* 2nd Jan.) a port of entry and the appointing proper officers there, and the Commrs. being informed that you have an exact map of that country drawn by Mr. Burrington, they desire you will lend it them *etc.* and transmit information relating to the trade of said Bay *etc.* Signed, Cha. Carkesse. Endorsed, Reed. 18th, Read 19th Feb., 17³⁰. Addressed. 1 p. [C.O. 5, 361. ff. 50, 51v.]

Feb. 19.

65. Mr. Popple to Mr. Carkesse. Reply to preceding. My Lords have received no informations [relating to the trade of Winyeau Bay]. Col. Johnson has indeed informed the Board, that many people are now settled upon Winyeau River, that it would be necessary to lay out a town there ; to make a port of entry and to appoint a Collector there. I send you enclosed the map you mention, but must desire you will return it *etc.* [C.O. 5, 400. pp. 272, 273.]

Feb. 19.
Whitehall.

66. Mr. Popple to Mr. Fane. Enclouses for his opinion in point of law 3 Acts of Jamaica, (i) *to enlarge the time for collecting the deficiency and poll tax etc.* ; (ii) *to prevent dangers that may arise from disguised as well as declared Papists* ; (iii) *for the more effectual collecting the outstanding publick debts.* [C.O. 138, 17. p. 288.]

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Feb. 19.

67. Mr. Popple to Mr. Delafaye. *Encloses* list of papers which the Board intends to lay before the House of Commons. *Continues* :—Of which those not already sent to your office with some report from this Board, shall be copied that my Lord Duke may be appriz'd thereof *etc.* The Board have not yet any proper direction to lay these papers before the House, and therefore I submit it to you, whether some signification of H.M. pleasure, upon this subject, should not be sent to this Office. *Signed*, Alured Popple. 1 p. *Enclosed*,

67. i. List of papers, 1719–1729, relating to Sta. Lucia (*v. preceding*). *Endorsed*, “not yet quite settled.” $2\frac{3}{4}$ pp.

67. ii. Copy of preceding, with notes in Mr. Delafaye's hand as to what proceedings were or were not taken upon said papers. 3 pp.

67. iii. List of papers *as above*, as finally settled and delivered. *Endorsed*, Rd. 20th Feb. 17 $\frac{29}{30}$. 3 pp.

67. iv. Copy of preceding, with notes as No. ii. *Endorsed as preceding*. $2\frac{1}{2}$ pp. [*C.O.* 253, 1. Nos. 42, 42, i–iv.]

[Feb. 20].

68. List of papers relating to Sta. Lucia, which were designed to have been given in from the Secretary's Office, as corresponding with those delivered by the Board of Trade, *preceding*. Feb. 17 $\frac{29}{30}$. *In Mr. Delafaye's hand*. $1\frac{1}{2}$ pp. [*C.O.* 253, 1. No. 43.].

Feb. 20.

Whitehall.

69. Council of Trade and Plantations to the Duke of Newcastle. It having been represented to us by Col. Johnson whom H.M. has been pleased to appoint Governor of H.M. Province of South Carolina, that the undermentioned great guns and other stores of war are much wanted there, vizt. 40 great guns 12 pounders for the bastions and line next the sea at Charles Town, and 20 eighteen pounders with 12 sakers for Johnson's Fort, 500 light muskets, and as many pair of pistols, swords and pouches; we desire your Grace will move H.M. for His Royal pleasure relating to the said stores, which we think necessary for the service of this Province. *Autograph signatures*. 1 p. [*C.O.* 5, 383. No. 39; and 5, 400. pp. 273, 274.].

Feb. 20.

Whitehall.

70. Mr. Popple to Mr. Fane. *Encloses*, for his opinion in point of law, two acts of Barbados, 1729, (i) *for the better carrying on, compleating and finishing the magazines at St. Ann's Castle, and building a Town Hall and Goal in the Town of St. Michael*; and (ii) *for laying an imposition upon wines and other strong liquors imported etc., in order to raise money for payment of such persons as are or shall be employ'd at the publick charge etc* [*C.O.* 29, 15. p. 125].

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Feb. 21. **71.** Order of King in Council. Ordering that a public seal be prepared for N. Carolina *etc.* *Printed*, N.C. Col. Rec. III, 76. *Signed*, Ja. Vernon. *Endorsed*, Recd. 24th Feb., Read 18th March, 17 $\frac{29}{30}$. 1 p. [*C.O.* 5, 293. *ff.* 3, 4v.]

Feb. 21. **72.** Order of King in Council. Approving Instructions to St. James's. Governors not to seize and appropriate to their own use any part or share of the produce of whales that shall be catcht on their coasts *etc.*, nor to give any manner of discouragement to the Fishery of H.M. subjects but on the contrary to encourage the same to the utmost of their power *etc.* *Signed*, Ja. Vernon. 1 p. [*C.O.* 5, 192. *f.* 437; and 323, 9. *ff.* 39, 40v.]

Feb. 23. **73.** Mr. Burchett to Mr. Popple. *Reply* to 4th Feb. I am Admiralty Office. commanded by their Lordships to acquaint you that by the patents of the Lord High Admiral, or Commissioners for executing that office, they are fully invested with the sole power of Admiralty, not only in these parts, but in H.M. Foreign Colonies, and Plantations also, and therefore they do not conceive how any Governor abroad can grant commissions to the masters of ships, without directly interfering with the authority granted to them by the Crown, as aforesaid; and since their Lordships know not the contents of that part of the patent, or instructions to the Governors, by which they are empowered to grant such commissions, they desire the Lords Commrs. for Trade and Plantations will please to order a copy thereof to be transmitted to them. *Signed*, J. Burchett. *Endorsed*, Recd. 24th. Read 25th Feb., 17 $\frac{29}{30}$. *Addressed*. 1 $\frac{2}{3}$ pp. [*C.O.* 5, 871. *ff.* 13, 13v, 14v.].

Feb. 24. **74.** List of papers relating to Sta. Lucia presented to the Whitehall. House of Commons pursuant to their Address of 11th Feb. [*C.O.* 29, 15. *pp.* 126-128].

Feb. 25. **75.** Mr. Popple to Mr. Burchett. In reply to 23rd Feb., Whitehall. encloses following and requests speedy reply to Feb. 4th *etc.* *Annexed*,

75. i. Extract of Commission to Governors for granting Commissions to privateers *etc.* [*C.O.* 5, 916. *pp.* 265, 266].

Feb. 26. **76.** Mr. Bladen to Governor Montgomerie. Recommends London. to his favour and protection the English Copper Mine Co. *etc.* (v. Jan. 31). *Signed*, M. Bladen. $\frac{1}{2}$ p. [*C.O.* 5, 1093. *f.* 131].

[Feb. 26]. **77.** Petition of Daniel Hintze to the Council of Trade and Plantations. Memorialist's father, who solicited your Lordships to bring a number of German families out of the Palatinate to settle in Nova Scotia being dead and sending for memorialist

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out of Ireland to be his chief assistant along with Georg Lewis Went a native of that country who perfectly knows the whole scheme laid by memorialist's father, thinks they can undertake to bring the affair to perfection if encouraged by your Lordships *etc.* *Signed*, David Hintze. *Endorsed*, Reed. Read 26th Feb., 17 ^{$\frac{29}{30}$} . 1 p. [C.O. 217, 5. ff. 140, 141v.].

Feb. 26.
Pall Mall.

78. Governor Belcher to the [?Duke of Newcastle]. My first application in the affair of H.M. Colony of Connecticut was to your Lordship *etc.* who *referred* me to my Lord Privy Seal, *etc.*, who told me he had nothing against [*the petition v.* 10th Feb.], but thought it reasonable and prudent, that a bill should be brought in. I then waited on Sr. Robert Walpole, the Duke of Newcastle, my Lord Chancellor and Mr. Speaker, and delivered each of them one of the petitions, and they didn't object. I was therefore surprized that yr. Lordship and the rest of the King's Ministers should be for having it delayed another year, when that poor Colony is in the last confusion for want of something from the Crown or the Parliamt. to quiet 'em in their usage and law for settling estates of intestates. I have my Lord been now near 12 moneths waiting here in behalf of that Colony on this business, and as it is their united desire, and no opposition is, or will be, made to it, I believe such an act woud easily go thorro'. I therefore humbly beg your Lordship to consider the matter, and to have compassion on the Colony, which will be undone without some speedy reliefe, and this is the method my Lord Chancellour advisd me to. However if your Lordship better approves to petition the King for some proper act to be past in Council, that the people there may be quiet in their usage for 70 years past, I shall do in it just as your Lordship shall direct me: as I have not neither will I take one step without your Lordship's knowledge, or that shall be disagreeable to you (or any of the King's Ministers) *etc.* P.S. I beg leave to wait on your Lordship this evening. *Signed*, Jonathan Beleher. *Holograph.* 3 pp. [C.O. 5, 898. No. 70.]

Feb. 26.

79. Petition of Sir Bibye Lake and Col. Edward Hutchinson, in behalf of themselves and others claiming under them, to the Council of Trade and Plantations. *Refer to* the Solicitor General's report (*v.* C.S.P. 1717 No. 261), upon which Mr. Coram's petition for a grant of land E. of Kennebeck River (in which was included Arrowsick Island and other lands purchased by petitioner's grandfather *etc.* and confirmed by the Genll. Court of Boston and the Crown) was dismissed. Afterwards Mr. Coram petitioned the King in Council before whom petitioners and all other parties were heard and Mr. Coram's petition was there also rejected. Petitioners have since the Peace of Utrecht expended severall thousand pounds in making settlemts. buildings and fortifications and many familys have been long

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and are at this time there settled and others have made proposals for that purpose. But a stop has lately been putt thereto by Col. Dunbar, Surveyor Genl. of H.M. woods, under pretence of Instructions from H.M. and your Lordships. to make settlements. within petitioners' limits *etc.* to the great disturbance and discouragement of families already settled *etc.* *Pray* that Col. Dunbar be restrained from making any settlements or incroachments within petitioners' limits or any lands westward of Penobscott River all such lands being in ancient property and from disturbing petitioners or any claiming under them in the settlements already made or intended to be made on the river Kennebeck, and between the said river to the River Penobscott. *Endorsed*, Recd. Read 26th Feb., 17²⁹/₃₀. 1 p. *Enclosed*,

79. i. Lands claimed by above. (Cf. C.S.P. 1717. No. 261). 1 p. [C.O. 5, 871. ff. 15, 16, 16v.]

[Feb. 26.]
Bartlet's
Buildings.

80. Mr. Newman to the Council of Trade and Plantations. *Has received* further Instructions from New Hampshire relating to the boundary with the Massachusetts Bay, which he is ready to submit to the consideration of the Board. *Continues*: The Lt. Governor [*Wentworth*] assures me, that your Lordships' Instructions for suspending all rigorous proceedings in collecting taxes from those that live on or near the boundaries till they are settled, have been strictly observ'd on the part of New Hampshire, and wishes the same could be said of their neighbours, who in a hostile manner came last summer, far within the suppos'd boundaries of New Hampshire, and wounded three or four Londonderry men, so that it was fear'd they would die of their wounds. They hope by your Lordships' interposition so great a grievance to H.M. subjects may be redress't under the new Governor. This representation is made in the name of the Province of New Hampshire *etc.* *Signed*, Henry Newman. *Endorsed*, Recd. 26th Feb. Read 6th March, 17²⁹/₃₀. 1 p. [C.O. 5, 871. ff. 19, 20v.]

Feb. 27.
Boston,
New
England.

81. Col. Dunbar to the Duke of Newcastle. *Refers* to complaint as to judge of the Admiralty, Feb. 2. *Continues*: I am going to prosecute at a Court of Admiralty there [? *Portsmouth, N.H.*] on Monday next, and if H.M. will be pleased to give the whole penalty to the informer I hope it will be a means to keep the people within bounds. Mr. Jaffrey the Deputy Judge desires if your Grace is of opinion to alter the present Commission of the Judge of the Admiralty that ye names mentioned in his letter inclosed, may be the officers of that Court for New Hampshire and Province of Maine *etc.* P.S. They have no salaries that I know of, however if any fees are due for their Commissions I will be answerable *etc.* *Signed*, David Dunbar. *Endorsed*, R. May 4th. 2 pp. [C.O. 5, 898. No. 71.]

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[Feb. 27]. Col. Hope to the Council of Trade and Plantations. As a late Governor of the Bermuda Islands, *thinks* it very material that the Collector of Customs should be of the Governour's Council, and *recommends* Robert Dinwiddie, present Collector, to succeed Capt. Daniel Tucker, decd. *etc.* *Signed*, Bruce Hope. *Endorsed*, Recd. 27th Feb., Read 12th March, 17 $\frac{29}{30}$. *Holograph*. 1 p. [C.O. 37, 12. ff. 36, 37v.]

[Feb. 28]. **83.** Merchants trading to the British Colonies to the Council of Trade and Plantations. In case what they have already presented is not approved, submit following schemes. (i) That the Assembly [*of S. Carolina*] have leave to print £30,000 on parchment bills, which should be declared Proclamation money made current in all payments, and the value or weight of plate mentioned in said bills as in those in the New Jersey Government. (ii) The old bills to be called in and new given in exchange at the rate of one to four, which will amount to £20,000 *etc.* (iii) The remaining £10,000 to be lent out on interest at 10 p.c. upon good land security, not above £200 to anyone, by Commissioners, said interest and principle payable in silver at 6s. 10 $\frac{1}{2}$ d. pr. oz. or rice at 10/s. pr. cwt., which will raise £1000 yearly to the publick. (iv) A tax of £1000 pr. annum to be levied. (v) £1500 of this £2000 to be applied yearly for sinking the new bills, the whole of which will thus be sunk in 20 years, the remaining £500 for salaries of the Commissioners *etc.* (vi) A tender of 10/s. in the new bills or 1 cwt. of rice to be lawful tender for 40s. for all debts contracted before the commencement of this Act. (vii) The bills to be sunk to be drawn annually by a child from a wheel or box *etc.* *Endorsed*, Recd. 28th Feb., Read 12th March, 17 $\frac{29}{30}$. 2 pp. [C.O. 5, 361. ff. 57, 57v., 58v.]

Feb. []. **84.** H.M. Warrants appointing Mr. Rice Secretary and Clerk of the Crown, N. Carolina. *Copies*. 2 pp. *Printed*, N.C. Coll. Rec. III. 76. [C.O. 5, 306. Nos. 16, 17.]

March 2.
Whitehall.

85. Duke of Newcastle to the Governor of New York. The English Copper Company who have contracted to furnish H.M. Mint with fine copper, have represented that they shall not be able to perform their contract in so good a manner as they have hitherto done, without a sufficient quantity of New York ore, and have desired me to recommend it to you, to grant your favour and countenance to such persons as they shall employ to purchase the said ore at New York; this being recommended by the Officers of the Mint as what may be of use to the publick, I must desire you will assist ye said Company's Agents *etc.*, so far as shall appear to you to be just and reasonable. *Signed*, Holles Newcastle. [C.O. 324, 36. pp. 195, 196.]

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March 2.
Whitehall.

86. *Same* to Lord Harrington and Mr. Poyntz. *Encloses following received from the Admiralty etc. Continues:* The King would have your Exeys. make the proper representations to the French Ministers upon it, and desire that they would have this matter enquired into and justice done thereupon, if the case appears to be as it is represented. *Signed, Holles Newcastle. 1 p. Enclosed,*

86. i. Deposition of Thomas Hodgskins. Copy of Feb. 12. No. 1.

86. ii. Deposition of Walter Chapman. *Confirms above and adds that,* a canoe from the strange sloop came on board the *Chance*, in which were two Frenchmen, who commanded him to go on board the strange sloop, and said they were French. Deponent refused, but in fear for his life got on shore and took to the woods. They began to ransack his cabin, but the second Lieutenant of the ship, a French man of war, stopped them until they had made the formality of a Court and condemned the *Chance* as lawful prize, and got her under sail, but ran her on the bar *etc.* *Describes* how they were threatened and carried on board the French man of war, whilst the French plundered two other sloops belonging to St. Christophers and burnt them *etc.* Deponent was put ashore, after being informed that this was done by order of the King of France, that he should make a claim to the Sta. Cruz. The French man of war carried off the *Chance* and five negroes from Sta. Cruz belonging to H.M. subjects *etc.* *Copy. 8 pp. [C.O. 239, 1. Nos. 40, 40, i. ii.]*

March 3.
Whitehall.

87. Council of Trade and Plantations to the Duke of Newcastle. *Enclose* drafts of warrants for use of new seals for New York, Nova Scotia, Leeward Islands and Bahama Islands, *as ordered* 22nd Jan. *Autograph signatures. 1 p. [C.O. 5, 4. No. 41; and 218, 2. pp. 222, 223 (with draft of warrant annexed); and 5, 1125. pp. 143-145.]*

March 3.
Whitehall.

88. Council of Trade and Plantations to the Duke of Newcastle. *Enclose* following to be laid before the King. *Autograph signatures. 1 p. Enclosed,*

88. i. Petition of Butler Chauncy and Thomas and William Chesslyre, owners of the ship *William*, to the Council of Trade and Plantations. Their ship, in July, 1727, was loaded in the Bay of Honduras with a cargo of logwood, with which she sailed for Boston. She was chased and captured near the Havannas by the Barloventa squadron, Don Joseph Roche, Commodore, and carried to La Vera Cruz, where he gave the

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enclosed certificate, *etc.* *Pray that satisfaction may be obtained for their loss, £1000 for the ship, and £1000 for the cargo. Signed, B. Chauncy, at Mrs. Drake's on Broad Street Hill. 1 $\frac{3}{4}$ pp. Enclosed,*

88. ii. Certificate by Commodore of the Barloventa Fleet that he captured the *William* off Cuba *as in preceding.* *Signed, Dn. Joseph Rochez d'Lupena. Copy. $\frac{2}{3}$ pp. [C.O. 5, 752. Nos. 49, 49, i. ii; and (covering letter only), 389, 28. p. 430.]*

March 3. **89.** Council of Trade and Plantations to the King. Re-
Whitehall. commend appointment of Alexander Henderson to the Council of Jamaica in place of Mr. Forbes *decd.* [C.O. 138, 17. p. 289].

March 3. **90.** Council of Trade and Plantations to the King. Propose
Whitehall. Thomas Maxwell for the Council of Barbados, in the room of Othniel Haggert, as recommended by Governor Worsley. [C.O. 29, 15. p. 129.]

March 4. **91.** Col. Williamson to [?] Testifies to the good character of Daniel Hintz *etc.* *Signed, A. Williamson. Endorsed, Reed. Read 12th March, 17 $\frac{29}{30}$. 1 p. [C.O. 217, 5. ff. 144, 145v.]*

[March 5]. **92.** T. Lowndes to the Council of Trade and Plantations. Encloses following. If the Protestants of the Palatinate are now discouraged from going over to S. Carolina, when their disposition is strong, it will be difficult to induce them hereafter *etc.* *Endorsed, Reed. 5th. Read 13th March, 17 $\frac{29}{30}$. 1 p. Enclosed,*

92. i. Mr. Lowndes to Mr. De la Fontaine. 10th Feb. 17 $\frac{29}{30}$. I fancy the terms for encouraging the Palatins to go to S. Carolina will be something of this kind. That they have land upon a good navigable river in perpetuity for one peny per acre to be paid in merchantable pitch hemp turpentine or specie yearly. That the three first years they pay no quitt rent at all. That a year's provisions and some tools be furnished them. But of this there is no certain dependance. You that have provided shipping for so many familys of them to go to Pensilvania will I beleive think this good encouragemt. considering that in that Province upon their arrival they pay at the Land Office more than £75 sterl. per 1000 acres and 10s. for ever as a quitt rent yearly and that far from any navigable river and about 120 miles from Philadelphia whither they bring all their produce by land carriage *etc.* *Copy. 1 p.*

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92. ii. B. De la Fontaine to Mr. Lowndes. Martens Lane, Cannon Street. 12th Feb. 17²⁹/₃₀. Thinks that great numbers will go on such terms as proposed, *No. i.* Has transported good quantities of these people from Rotterdam to Pensilvania of late years to their great satisfaction, for they must be well used on their passage, with great humanity and decency etc. *Signed*, Benja. De la Fontaine. *Addressed*. 1²/₃ pp.

92. iii. *Same to Same*. 27th Feb. A large quantity of Palatins will be down at Rotterdam in about three months in order to go to America etc., if they meet suitable encouragement from the Government, they chuse Carolina, otherways they intend for Pensilvania etc. *Signed*, Benja. De la Fontaine. *Addressed*. 1 p. [C.O. 5, 361. ff. 67, 68, 70, 70v., 71v.-72v., 73v.]

March 6.
Whitehall.

93. Duke of Newcastle to the Council of Trade and Plantations. *Encloses following. Continues*:—I am to signify H.M. pleasure, that you reconsider this matter, and make such a report upon it, as may enable the King's Ambassador at Paris to answer the arguments which Mr. Poyntz apprehends may be made use of by the French Ministers upon this head; your Ldp. will also take into consideration the other points mentioned in the enclosed letter, particularly the proposal made to H.E. by the Garde des Sceaux that both Nations should evacuate that Island, and also those of St. Vincents and Dominico, till the right to them should be adjusted. Since the receipt of Mr. Poyntz's letter, the French Ambassador here has presented to the King a Memorial with a copy annex of an answer formerly given to Mr. Walpole upon this subject; H.M. has commanded me to send your Ldps. copys of these papers, which accordingly go herewith, and you will find there the proposal renewed of those Islands being entirely evacuated by both Nations, and the affair of Sta. Lucia put in a very different light from what it has appeared by the informations that have been received here concerning it, and by your Representations upon them. The King would have you employ your utmost diligence and attention in forming a full and exact state of this matter, and lay your report upon it before H.M. as soon as possible together with your opinion what it may be proper for H.M. to do upon every particular mentioned in the enclosed papers. I have laid before the King your report upon the affidavit referred to you of the master of an English vessel and one of his sailors, concerning her being plundered and carried away from Sta. Cruz by a French ship of war, whose crew also is said to have destroyed two other English sloops at anchor there, and H.M. has ordered me to signify His pleasure to His Ambassador at the Court of France to make the proper repre-

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sentation to that Court upon that subject. But as you will find by Mr. Poyntz's letter and by Count Broglie's enclosed Memorial, that the French lay claim to the Island of St. Cruz, and complain of it's having been lately peopled from Antegoa, and of acts of violence committed there, as they alledge, by the King's subjects; H.M. would have you also lay before Him a state of this matter, and particularly as to the right H.M. may have to the Island of St. Cruz, and what may be alledged in justification of the settlements which H.M. subjects are said to have made there. Your Ldps. will be pleased to remember, that upon the first notice I received of the King's subjects resorting to the Island of Sta. Cruz to cut timber and of their having an inclination to settle there *etc.*, this matter was by my letter of 23rd June referred to your consideration, *etc.* *Signed*, Holles Newcastle. *Copy. Endorsed*, Reed. 6th, Read 10th March, 17²⁹/₃₀. 4 pp. *Enclosed*,

93. i. S. Poyntz ⁽¹⁾ to the Duke of Newcastle. Paris, March 4, 1730. [N.S.] On the 2nd I put into the Garde des Sceaux hands a translation of your Grace's letter of ^{30th Jan.} _{10th Feb.}, and of such of the papers accompanying it, as relate to the eneroachments and violences of the French at Sta. Lucia, St. Vincents and Dominico; I put him in mind of the agreement made in 1720 *etc.*, as also of the complaints and memorials given in by Mr. Walpole in relation to the establishments said to be making at those three islands, desiring an answer to those memorials, and representing to him in the strongest manner the consequences of these eneroachments, which by tending to deprive H.M. of his right and title to those Islands, must occasion the asserting them in such a manner as might weaken the friendship and good understanding between the two Crowns. He answered, that they were ready whenever we would to enter into an amicable discussion of the claim made by both Crowns to those Islands; that in the beginning of the year 1727 they had offered to remove every French subject off of Sta. Lucia, provided the King would do the same, till the claim should be adjusted and decided, to which offer they never had received any answer; that they are still willing to evacuate all the three islands on the same condition, the subjects on either side being, as he affirmed, only employed in carrying on a clandestine trade for sugar with the neighbouring islands for the sake of defrauding the Customs. As to the complaint of the violences offered to the English at St. Vincents, he observed that the same letter from Capt. Davers takes notice that the

(1) Ambassador at Paris.

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General of Martinico had promised to have the offenders taken up and severely punished, and he said, orders should immediately be sent to prevent any such complaints for the future, till the cause of them could be finally removed ; He added, that they had frequent complaints of the same nature against the subjects of England, particularly at the Island of Sta. Cruz, which though conquered by France from the Spaniards, and confirmed to them by an undisputed title of eighty years, had been lately peopled from Antego, and some French who happened to approach it, had been fired at from our ships ; he concluded by telling me, that the French Ambassador at London having writ to them on the subject of the complaints I now made, they were preparing an answer, the Minute of which he read to me, and told me it should be transmitted to Count Broglie by the next post. I told him I was already prepared to make out the unquestionable right of the Crown of Great Britain to the Island of Sta. Lucia, and was ready to discuss that point with him as soon as he pleased ; but as the express with the news of the Pope's death, and the instructions to be prepared that evening for the French Cardinals on their setting out for the Conclave did not allow him time to continue the Conference any longer, I only obtained a promise from him, that he would look out the papers in their Offices of Trade relating to this affair, and in the mean time I must desire your Grace to favour me with the reports of the Lords Commissioners of Trade and Plantations, asserting H.M. right to St. Vincents and Dominico. Ever since I received your Grace's letter of 30th Jan., I have made it my business to inform myself of the proofs which the French have to produce in support of their claim to Sta. Lucia, and upon comparing them with the report of our Board of Trade, I beg leave to observe, that there is an irreconcilable difference in the facts asserted by the two Nations. The settlements, which we made there from 1626 to 1638 are entirely neglected or suppressed by their Historians and the Registers of the West India Companies established by Lewis 13th and 14th ; and upon this insufficient foundation, have been constantly denied in all the reports of their Council of Trade ; but whereas it is asserted in ours, that their first pretention to the island and settlement there was in 1685, they think they are able to make it appear from unquestionable documents, that in 1640 Mor. Diet du Parquet, Governour of Martenico took possession of the Island, with consent of the

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savages, there being at that time no Englishman there to defend it, that he built a fort and established a succession of Governors there, who kept possession of the island for upwards of twenty years. In 1650 the property of the said island was sold to Du Parquet by the old West India Company, and in 1664 Du Parquet sold that island and Martenico to the Crown for $\frac{240}{m.}$ livres. The greater part of these facts with the names and history of each of the French Governors of Sta. Lucia are to be found in the accounts of the Caribbee Islands published formerly by Pere le Tertre, and lately by Pere Labat, which I should not have thought worth mentioning, if I had not found them agree in the most material circumstances with the manuscript reports of the French Council of Trade, which I have in my hands. I am humbly of opinion, that the natural answer to this temporary possession will be, that it happened precisely in the time of our Civil Wars, and that soon after the Restoration the Crown reasserted it's right; however, as the report of the Board of Trade in England, which is to serve for my instruction, affirms, that the French had no pretention nor settlement there till 1685, and as our asserting any fact liable to be disproved, might invalidate the credit of the rest and thereby give the French some advantage in the dispute, I would humbly desire that this period of the report may be reconsidered in England, and that particular search may be made, whether some English were not remaining on the Island and dispossessed by force in 1640, which circumstance, tho' not necessary to the establishing the priority of our title, would take off the most plausible argument on the French side, drawn from the voluntary cession of the savages, and from the subsequent sales of that Island. The argument drawn by the late Regent from the 12th Article of the Treaty of Breda is far from being conclusive against us, on the contrary as the general rule laid down in that Treaty is, that each Crown should keep what it was possessed of on 1st Jan., 1665, I believe it may be made appear, that we were at that time possessed of Sta. Lucia, and consequently have a right to it from that very Treaty. But the reports of the French Council of Trade, in order to elude the force of this argument, take notice, that the restitution of the English part of St. Christophers, of Antego and Montserrat is expressly stipulated in the Treaty of Breda, while no mention is made of Sta. Lucia, tho' at the time of the signing that Treaty it was, as they affirm in the possession of the French.

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- The clearing up this point is of the more importance, because the Treaty of Neutrality of 1686 confirms that of Breda in all it's articles and clauses. *Signed, S. Poyntz. Endorsed as preceding. Copy. 5½ pp.*
93. ii. M. le Garde des Secaux to M. le Comte de Broglie. 1st March, 1730. (N.S.) *Reply* to complaint by the English Minister, that 400 French families are settled on Sta. Lucia. This complaint, which is not supported by any proof, is not new. M. Walpole made a similar complaint, 27th June, 1728. *Encloses* reply of the French King 14th July, 1728 (N.S.), to which it need only be added that there do not appear to be nearly so many French families there. It is only known that there are some wood-cutters there who exploit the timber for the other islands. It is also known that there are some English who do not concern themselves in such exploitation, but only to go there to get into touch with the merchants of Martinique and Guadeloupe, to exchange foreign produce and goods for French sugar, to the great injury of French trade. His Majesty complained of this and in April, 1727, made an offer to England, whilst awaiting the recognition of the undeniable rights of France, to evacuate all French subjects there, provided England did the same *etc.* England not having replied to this offer, one might think that she found it advantageous to allow matters to remain as they are, and in that case it is impossible to understand why she lodges complaints from time to time. However that may be, His Majesty will always be equally prepared to remove the French from Ste. Alouzie, provided that reciprocal action is taken by England, and that she agrees that the proprietorship of the island should be immediately established. In conclusion, it is to be observed that England complains that too many Frenchmen have settled at Ste. Alouzie at the same time that the English are there themselves, and cause considerable loss to trade of the Kingdom *as above*; that it is not yet decided if this island belongs to France or not, and that the English have wished it to remain neutral. France has a much more legitimate right to complain of English enterprises, the Island of St. Cruz (Sta. Croix) belonging beyond dispute to France, which conquered it nearly 80 years ago from Spain. Neither the English nor any other nation have ever claimed it or disputed the right of France. There has never been any question of it in any negotiations or treaties of peace. Nevertheless, in spite of a proprietorship so firmly estab-

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lished and recognised, His Majesty has been informed that the English have deliberately established themselves there ; that the English General at Antigua has given a commission to Sr. Waldrop, Colonel of Militia at St. Christophers, to take command of the said island of St. Cruz, to which he has transported cannon and several English families. We are even informed that one of His Majesty's ships having passed before the said island in Oct. last, the Captain sent his sloop and boat to give notice that it was one of H.M. vessels which was standing for the anchoring place, for wood and water, which did not prevent the English from firing on the sloop and boat to prevent them landing. His Majesty awaits information as to this insult, in order to demand satisfaction, but hopes meanwhile that his Britannic Majesty will give definite orders for the evacuation of Sta. Croix, and to prevent any one settling there for the future. *Copy. French.* 5¼ pp. *Same endorsement.* 5¼ pp.

93. iii. Memoir sent to the Comte de Broglie, in reply to the letter of Mr. Walpole, 27th June, 1728, concerning Sta. Lucia. *Copy. French. Same endorsement.* 9½ pp. [*C.O.* 28, 21. *ff.* 47-48v., 49v.-52v., 53v.-62v., 63v.; and (*without enclosures* ii. and iii.) 253, 1. *Nos.* 44, 44. i.]

March 6. **94.** H.M. Additional Instructions to the Governors of
St. James's. Jamaica, Bermuda, Barbados, Bahamas Islands, New York,
New Jersey, Virginia and Nova Scotia concerning the whale
fishing (v. Feb. 5). [*C.O.* 324, 36. pp. 196, 197; and 5, 192.
ff. 441, 445, 449, 453, 457, 461, 465, 469].

March 7. **95.** Duke of Newcastle to the Council of Trade and
Plantations.

Refers papers relating to Mr. Bradley's case for their report.
Enclosed,

95. i. Copy of C.S.P. Nov. 22, 1729. 1¼ pp.
95. ii. Memorial by Mr. Bradley to Governor and Council
of New York, 9th Sept., 1728. 2 pp.
95. iii. Abstract of preceding. 1½ pp.
95. iv. Mr. Bradley to the Council of Trade and Plantations,
v. C.S.P. 22nd Nov., 1729. 2 pp.
95. v. Abstract of preceding. 4 pp.
95. vi. Case relating to the Assemblies aiming at an inde-
pendency *etc.* By Mr. Bradley. v. C.S.P. 22nd
Nov., 1729. 2½ pp.
95. vii. Memorial by Mr. Bradley to the Governor in
Council as to his salary, 9th Nov., 1728. v. C.S.P.
22nd Nov., 1729. 1½ pp.

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95. viii. Governor and Council of New York to the Council of Trade. v. C.S.P. 22nd Nov., 1729. 1 p.
95. ix. Votes of the Assembly and Mr. Bradley's reply. *Printed.* 6 pp. v. C.S.P. 22nd Nov., 1729. 1 p. *The whole endorsed,* Recd. in the D. of Newcastle's letter, 7th March 17²⁹/₃₀, Read 2nd Sept., 1730. [*C.O.* 5, 1055. ff. 131, 131v., 132v.-134v., 136v.-141, 142v.-143v., 145-148v.]

[March 7.] **96.** A proposal for improving and the better settling of S. Carolina. (i) That H.M. grant 200,000 acres of land for townships on the frontiers at a noble per township acknowledgement every township to contain 20,000 acres—three townships on Savanah River, one on the head of Ponpon River, two on Santee River, one on Watery River, one on Black River, one on Pudee River, and one on Wacomace River, and that no persons be allowed more than one lott in said townships, and that the said person be a resident in said township, and that each of these townships have the priviledge of sending one or two Members duly qualifeyed to represent them in the Assembly. (ii) All lands without the priviledge of the said townships pay 2/6 Proclamation money per ann. pr. 100 acres acknowledgement to H.M. That no person hereafter be allowed to take up more than 640 acres of land, the said person obliging himself to settle it within two years or the said lands revert to the King. (iii) That no person possest of any lands in S. Carolina be allowed to take up any more except he settles it within one year, the Governor and Council being judges what shall be deemed a sufficient quantity, so that it do not exceed 500 acres. (iv) That all lands laid out on any navigable river, creeks, lakes, bays or seas do not exceed $\frac{1}{4}$ part in front, excepting townships *etc.* (v) That no person be allowed to take up any lands on any of the said rivers till the said townships be laid out, the Surveyor General to be ordered to lay out the lands for them immediately. (vi) Whereas several persons are possesst of grants for large tracts of land by the late Lords and Proprietors, that no person so possest be allowed to take up more than 640 acres by virtue of any such grant within 10 miles of any of the said townships. (vii) That all foreigners as well as H.M. free-born subjects be allow'd reasonable quantity of lands and have the same priviledge in voting at elections for Assembly men as if born in any of H.M. Dominions. *Endorsed,* Recd. (from Col. Johnson) 7th, Read 13th March, 17²⁹/₃₀. 2 pp. [*C.O.* 5, 361. ff. 78, 78v., 79v.]

[March 7.] **97.** Governor Johnson's replies to 10 Queries about the Paper Curreney in S. Carolina. Thinks that "£100,000 is a just medium between the merchant and planter, and that a lesser sum would not be sufficient," the planters being vastly

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in debt and their debts all payable in the present bills, so that, if the present paper currency were lessened and thereby brought nearer to sterling it would ruin at least $\frac{1}{20}$ of the inhabitants and enrich 20 or 30 persons. *Proposes that* the £106,354 now current be preserved, and that he be instructed to apply the sinking fund towards transport, tools and provisions for poor Protestant immigrants *etc.* *Endorsed*, Recd. 7th, Read 12th March, 17 $\frac{29}{30}$. 3 $\frac{1}{2}$ pp. [C.O. 5, 361. ff. 59-60v., 61v.]

March 7. 98. Duke of Newcastle to the Council of Trade and Plantations. Refers following. *Enclosed*,

98. i.-v. Governor Philips to Duke of Newcastle, Nov. 25, 1729. (v. C.S.P. under date) with enclosures i.-iv. *Endorsed*, Read 2nd Sept., 1730. [C.O. 217, 5. ff. 207-209v., 210v., 211-212v., 213v.-216v., 217v.-218, 219v.]

March 7. 99. Duke of Newcastle to the Council of Trade and
Whitehall. Plantations. *Encloses* copies of letters from Col. Dunbar, "giving an account of the progress he has made in forming the new settlement between Nova Scotia and New England, and of what he thinks is still necessary to enable him to carry on that undertaking with success"; and letters between him and Lt. Governor Dummer *etc.* "His Majesty would have you take the whole into consideration; and report the state of the several matters therein mentioned, with your opinion what further directions are proper to be sent to Mr. Dunbar upon them." *Encloses* for their opinion copies of letter *etc.* from Mr. Bradley relating to the irregular proceedings of the Assembly of New York, "and other matters which he apprehends it is of importance to H.M. service should be speedily considered by your Lordships" *etc.* *Encloses* copy of letter from Col. Philips, 25th Nov. "You will please to consider the several matters contained in it; particularly what relates to giving new grants of land to the inhabitants [of *Nova Scotia*], the proposals made to him for a settlement of French Protestants there, and the necessity of his having a vessel constantly kept to attend him in his progresses from one part of his Government to another." *etc.* *Signed*, Holles Newcastle. *Endorsed*, Recd. 7th March, Read 2nd Sept., 1730. 2 pp. *Enclosed*,

99 i. Col. Dunbar to the Duke of Newcastle, 10th Dec., 1729. *Endorsed as preceding*. Copy. 13 $\frac{1}{2}$ pp.

99. ii. *Same to Same*. 30th Dec., 1729. *Endorsed*, Read 2nd Sept., 1730. Copy. 2 $\frac{1}{4}$ pp.

99. iii. Penobscot Indians to Col. Dunbar. v. 30th Dec., 1729 encl. i. *Endorsed as preceding*. Copy. 1 $\frac{1}{2}$ pp.

99. iv. John Gyles to Col. [Jeremiah] Dunbar. v. 14th Nov., 1729. *Endorsed as preceding*. Copy. 2 pp.

99. v. *Same to Same*. v. 15th Nov., 1729. Copy. 1 $\frac{1}{4}$ pp.

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99. vi. Extract of letter from Lt. Governor Dummer to the Duke of Newcastle, 26th Dec., 1729. *Endorsed, Read.* 2nd Sept., 1730. *Copy.* $1\frac{3}{4}$ pp.
99. vii. Lt. Gov. Dummer to Col. Dunbar. 3rd Dec., 1729. *Same endorsement. Copy.* 1 p.
99. viii. Col. Dunbar to Lt. Gov. Dummer, 4th Dec., 1729. *Same endorsement. Copy.* $4\frac{1}{3}$ pp.
99. ix. Lt. Gov. Dummer to Col. Dunbar. 6th Dec., 1729. *Same endorsement. Copy.* 3 pp.
99. x. Col. Dunbar to Lt. Gov. Dummer, 8th Dec., 1729. *Same endorsement. Copy.* $1\frac{1}{2}$ pp. [C.O. 5, 871. ff. 132, 132v., 133v.-140v., 143v.-146v., 147v.-148v., 149v.-150v., 151v.-152v., 153v., 154, 155v.-161v., 162v.]

March 9.
Munday
night
50 m. past 8. **100.** Mr. Forbes to [? *Mr. Delafaye*]. If the enclosed packet contains the French letters, my Lord Duke desires you will send them to Ld. Scarborough, Ld. Privy Seal, and Lord Chancellor. His Grace does not find amongst the papers relating to Sta. Lucia his letters to Mr. Walpole in 1727 and 28, nor the Lords Commissioners of Trade report upon that head, and therefore begs you'll please to look them out, and if His Grace does not call at the Office before ten, you'll bring them yourself to Mr. Secretary at Warr's at ten, where his Grace will be at that time. *Signed, P.(?) Forbes. Endorsed, Mar. 9, 17 $\frac{29}{30}$.* 1 p. [C.O. 253, 1. No. 47.]

March 9. **101.** Note by the Duke of Newcastle as to absence of above papers. *Endorsed, My Lord D. Mar. 9, 17 $\frac{29}{30}$.* $\frac{1}{8}$ p. [C.O. 253, 1. No. 48.]

March 9. **102.** Memorandum of papers relating to Sta. Lucia. $\frac{1}{2}$ p. [C.O. 253, 1. No. 49.]

March 9. **103.** [*Mr. Delafaye*] to the Duke of Newcastle. *Refers* to papers sent to him making up a complete set of what relates to Sta. Lucia etc. "Mr. Walpole took with him, as he came by from ye House, all that he wants. I am setting ye Clerks to write out again your Grace's letter to Mr. Poyntz etc.; but as I doubt whether they can finish them in time; if this should not find your Grace at home I will send ye originals to the Secry. at War's." *No signature.* 1 p. *On back,*

(a) Note in Duke of Newcastle's hand, that as he now has all the papers on that subject, he need not be in haste about the copies. [C.O. 253, 1. No. 50.]

March 10.
Tuesday
noon. **104.** Duke of Newcastle to Mr. Delafaye. Dear Del, Upon looking over again the St. Lucia papers I find no letters to or from Mr. Pulteney when he was Commissary in France, or the original agreement with the Duke of Orleans. I begg you

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would send me all yt. is in the Office upon this matter, and also the letters I desired yesterday might be lookt over yt. I had reed. from ye Board of Trade and wrote to Mr. Walpole. You will likewise send me a list of ye papers given in by ye Board of Trade. I give you a great deal of trouble, but when our enemies are so busy, you won't wonder I am a little upon ye hurry. The letters also about ye D. of Montagu. *Signed*, Holles Newcastle. *Addressed. Holograph. 1 p.* [C.O. 253, 1. No. 51.]

March 10. **105.** Mr. Delafaye to the Duke of Newcastle. I send your Grace a compleat list of all the papers, we could yet find in the office; Mr. Courand and I are continually (as we have leisure) looking over ye letters and papers a second time, but never with no gleanings *etc.* *Details. Continues* :—The only papers, in my mind, that are material are, The state of H.M. title to Sta. Lucia, wch. was sent to Mr. Poyntz the 30th Jan. last. The Conference with the Regent *etc.*, of which Mr. Pulteney gives an account in his letter of Jan. 15, 1720, n.s. (v. C.S.P.), copy of which was also sent to Mr. Poyntz, 30th Jan. (There was no convention or agreement in writing). The order for M. d'Estrée's Colony to evacuate the island, also sent to Mr. Poyntz. The enclosed account of the Duke of Montague's settlement, *etc.* *Without signature. Dated*, Mar. 10. *In Delafaye's hand. 2 $\frac{3}{4}$ pp.* [C.O. 253, 1. No. 52.]

[March 10] **106.** (*Enclosed in preceding?*). List of papers relating to Sta. Lucia. Oct. 6, 1719—6th March 17 $\frac{29}{30}$. 8 $\frac{1}{8}$ pp. [C.O. 253, 1. No. 53.]

Whitehall.

107. Duke of Newcastle to Lt. General Mathew. *Encloses* memorial of the South Sea Company, "desiring that restitution may be made of the effects saved out of the Spanish ship Sta. Rita, which were seized by the Surveyor General of the Customs at Antegoa in March, 172 $\frac{6}{7}$, unless it shall appear that those effects were legally condemned on account of contraband trade" *etc.* *Continues* :—It is H.M. pleasure, that you cause such restitution to be forthwith made, if, upon examination, you find the case to be such, as may come within the meaning of H.M. orders lately sent you, for the immediate restitution of Spanish prizes, and within the intention of the Articles in that behalf of the Treaty of Seville, a printed copy of which was transmitted you with those orders, and not to be one of those seizures, the discussion and decision of which is, by the said Treaty, referred to the Commissarys to be appointed for that purpose. *Signed*, Holles Newcastle. 1 $\frac{1}{4}$ pp. *Annexed*,

107. i. South Sea Company to the Duke of Newcastle.
South Sea House, 20th Feb., 1729(30). *Enclose*

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*following. Continue:—*As the seizure in this case occasioned an immediate reprisalia of a great value in effects belonging to the Assiento in several of the Spanish Windward ports, they are persuaded, that a speedy and full restitution to the Spaniards interested in the *Sta. Reta* will greatly contribute to the restitution of the Company's effects in several of the Spanish Governments, particularly New Spain between which and the said Windward ports there is a very frequent intercourse *etc.* The Court of Directors pray that directions may be given to the Governor of the Leeward Islands, that in case it shall not appear, that such effects have been legally condemned on account of contraband trade, he cause such restitution to be made accordingly. *Signed, D. Wescomb. Enclosed,*

107. ii. Case of the Spanish ship *Santa Reta*, Pedro de la Neva Captain. The said ship making her voyage from the coast of Caracas and the Havana to Old Spain *etc.* was stranded at Barbuda Feb. 1727. The Captain on application to the Lt. Governor and principal Officers of the Customs at Antigua, had liberty granted him to bring his effects to the said island, and did bring accordingly about 60,000 pieces of eight, about 70,000*lb.* of cacao and 16,000*lb.* of snuff being damaged with the salt water. On 2nd March Mr. Dunbar (Surveyor General of the Customs) seized the said snuff and cacao with 7600 ps. of $\frac{1}{8}$ and sold the same at publick outcry and has kept the produce in his hands ever since. Although the Spaniards applied to the Council of Antigua for redress, they could not obtain it, nor a copy of any orders or proceedings whatsoever made in this case. May, 1727, Don Joseph de Pena (alias Don Manuel de la Pena) who was concerned in the cargo of the said ship, got his passage by way of the French islands to Caracas, and made a declaration upon oath, that said effects were seized on account of war, which occasioned the seizure of the English effects belonging to the Assiento in Caracas, Coro, Maracaybo and St. Domingo to the value of 30,000 ps. of $\frac{8}{9}$ and upwards. [C.O. 324, 36. pp. 198–201; and (without enclosures) 152, 43. ff. 57, 57v.]

March 11. 108. Mr. Popple to the Governors of H.M. Plantations
Whitehall. (excluding Proprietary Governments). Circular letter enclosing Additional Instruction relating to the Whale Fishery (v. Feb. 5). [C.O. 324, 11. pp. 162, 163.]

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March 11. **109.** Lt. General Mathew to the Council of Trade and Plantations. I formerly informed your Lordships how few members of H.M. Council remained on this island. For want of a Board I was forced first to swear Abraham Payne Esq. into the Council, and since I have admitted for the same reason Joseph Phipps Esqr. Col. Phipps wrote me the letter (enclosed) at his retiring from that Board. The Council had past a bill agreeable to what your Lordships recommended, as to Mr. Secretary Smith's fees, but the Assembly have rejected it. That House has now before them a bill for altering the Vestry act as your Lordships directed, and another to make the like alterations in the four and twenty member bill. I have forborn for some time and misssd two oportunities, of informing your Lordships with the transactions here. It has been occasioned by my waiting to receive from the several officers the transcripts and returns you wrote to Lord Londonderry for. I observe your Lordships call for papers already received, for that the series of them was much broke into, in those remitted to your Board, and therefore I am still unwilling to remitt the few I have receivd, till I can at once compleat your orders, and it may chance to be an honour reservd for Lord Forbes. I did not get from Lord Londonderry's Exectr. here, the orders you sent, till three months after his death, and my orders hereon to the severall officers are dated so long ago as the 12 Decr. last. I am now explaining peremptorily with them, and have threatnd a suspension of those I can suspend, and a removal of others, if they delay this duty any longer. They complain much, on having already deliverd to Colo. Hart the papers requird of them during his Government, and that they shall find it difficult to obtain payment for these voluminous repeated transcripts. I still insist with them, and if I do not get them before Lord Forbes's arrival, I pray I may stand excusd before your Lordships, as not having been wanting in my own duty *etc.* *Signed*, William Mathew. *Endorsed*, Recd. 22nd April, Read 13th Oct., 1730. 2 pp. *Enclosed*,

109. i. Col. Phipps to Governor Mathew. Nov. 19, 1729. The Lords Commissioners for Trade having reported upon the dispute between Mr. Estridge and myself in his favour, I hope your Honour will excuse my declining to meet the Council for the future, as it must oblige me to sit under a gentleman I have had the precedence of at that Board for upwards of twenty years *etc.* *Signed*, Francis Phipps. *Endorsed*, Recd. 22nd April, 1730. *Copy*. 1 p. [C.O. 152, 18. (*with abstract*) ff. 1-2, 4v., 5, 6v.]

March 12. **110.** Lt. Gen. Mathew to Duke of Newcastle. Refers to changes in Council as in preceding. *Continues* :—A French man of warr commanded by the Chevalier Maischin, burnt in

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Sept. last, two sloops belonging to H.M. subjects of this island, at Sta. Cruz, and took away with him a third belonging to Col. Phipps, and four or five negroes belonging to the English *etc.* *Encloses proofs. Continues* :—After this abrupt injury was done us, I receiv'd a most extraordinary letter from the Marquis de Champigny, telling me Sta. Cruz was undoubtedly belonging to the Crown of France, that he heard the English had built a town there, carryd familys there to settle, raisd batterys and more such chimericall matter, which I only took for beginning to complain first, as having not a word of truth in it, and I therefore onely transcribd his method of expostulating, and calld for reparation of the injurys done there by this man of warr, and one of their garde da costas, (for they have garde da costas as well as the Spaniards) sent thither under his orders. I have waited his answer a long while, and therefore I forbore acquainting your Grace herewith, but I find waiting is in vain. I would transmitt to your Grace the publick papers, required by H.M. Instructions, but they are not yet to come to hand from the several officers. H.M. Council for this Island having advised me to remove Mr. Browne from being Chief Judge, I have done it, *etc.* *Refers to enclosed Minutes of Council. Continues* :—If Mr. Browne retires without complaining, I shall avoid (as I wish to do) explaining on this affair, which would do him no good, nor justify me from the fault I was guilty of in mistaking his worth and placing him there. *Signed*, William Mathew. *Endorsed*, R. 29th April. 2 $\frac{3}{4}$ pp. *Enclosed*,

110. i. Minutes of Council of St. Christophers, 19th Dec., 1729, disclosing breaches of duty by Mr. Browne, C.J. 8 $\frac{1}{4}$ pp.
110. ii. Deposition of Thomas Hodgskin and Walter Chapman. St. Christophers. 19th Nov., 1729. *Describes* capture of Col. Phipps' sloop, the *Chance*, at Sta. Cruz by a French man of war and garde de costa. They also plundered and burned two other sloops of St. Christophers there. 5 pp.
110. iii. Col. Phipps to Lt. Genl. Mathew. Dec. 4, 1729. Requests him to apply to the Governor of Martinique for £600 reparation for the loss of his vessel and negroes. (*v. preceding*). *Signed*, Francis Phipps. 1 p.
110. iv. Petition of Joseph Grimes, of Montserrat, to Lt. General Mathew. Prays for £200 reparation for the loss of his sloop burnt by the French at Sta. Cruz. *Signed*, Joseph Grimes. 1 p.
110. v. Petition of Mathew Smith, of St. Christophers, to Lt. General Mathew. Prays for £120 reparation for his sloop burnt by the French at Sta. Cruz *etc.* *Signed*, Mathew Smith. 1 p.

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110. vi. Col. Phipps to Lt. General Mathew. Copy of encl. i. preceding. 1 p. [C.O. 152, 43. ff. 59, 60, 61, 64-71, 73, 75, 77, 79.]

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111. Governor Hunter to the Council of Trade and Plantations. Our Assembly which mett yesterday have not as yet proceeded so as I may make any judgment of their intentions, but if they have any feeling they must be induc'd to provide better for their security from danger both from within and without. I have inclos'd what I said to them. Col. Anthony Swymmer one of ye Council died lately, so that we have now two seats vacant his and Mr. Forbesses. I have formerly recommended William Needham Esq. and the Attorney Generall if that seat be compatible with his office, and now take the liberty to recommend William Gordon Esq. a Gentleman of good understanding interest and estate and firm affection to our happy establishment and H.M. service. The remote residence of many of the Council renders their attendance uncertain. Mr. Laws is in England for his health, so that I am frequently at a loss for a Quorum, and humbly intreat a remedy. I hope long e'r this yr. Ldships. have proceeded to report upon our Acts lay'd before you. By the *Plymouth* which is to sail soon after this ship (the *Ruport*) I shall be able to send your Ldships. a particular account of the proceedings of our Assembly so far as they shall then have proceeded. I return'd lately from Port Antonio, where I had been some weeks with rear Admll. Stuart who has not been idle there, having erected one storehouse, began a wharf for careening, and clear'd ground for ye uses of a hospital. He has given his sentiments of ye place to the Lds. of the Admiralty. A party of the slaves in rebellion carried off from one of our settlements there six women and a boy and wounded an overseer; I sent after them thirty eight arm'd men with nine baggage slaves, who were surpriz'd in a narrow path put into confusion, most of them return'd, several were wounded, and about a dozen either kill'd or lost in ye woods. P.S. *Recommends* Coll. Charles Price for a vacancy in the Council, a gentleman of a considerable estate and intrest and firm affection to H.M. Government. *Signed*, Ro. Hunter. *Endorsed*, Recd. 18th May, Read 3rd June, 1730. $1\frac{3}{4}$ pp. *Enclosed*,

111. i. Governor Hunter's Speech to the Assembly. v. March 30, *infra*. Same endorsement. Copy. $2\frac{1}{2}$ pp. [C.O. 137, 18. ff. 70, 70v., 71v.-73v.]

March 12.
Jamca.

112. Same to the Duke of Newcastle. *Refers to* letter of 15th Feb. Has obeyed the orders for a *noli prosequi* in the case of the victuallers of H.M. ships. Encloses Speech to Assembly. *Continues* :—If the sense of their late danger be not effaced by the approaching peace, or dissappointed by the

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artifices of a party, and the weakness of others they must apply most humbly and earnestly to H.M. for an additional force for their defence, at any expence, for if the danger returns it may be too late to do't. They increase in wealth and numbers of slaves, 'tis true, but decline yearly as to white or freemen. I am indeavouring to procure some good laws for remedying the last, and when they have sat a few days I shall be able to guess att ye course they steer, and inform your Grace punctually and particularly. *Refers to Admiral Stuart and attack by rebel slaves as in preceding. Continues* :—Six hours after I dispatch'd a party *etc.* with a good partisan to command them, they fell into an ambush att the brink of a river where they cou'd march but one abreast, the first fire put them into disorder, some cross'd the river and wet their ammunition others who cou'd save theirs fir'd from thence whilst they had any left *etc.* *Proposes* Mr. Gordon for Council *etc. ut supra.* *Signed,* Ro. Hunter. *Endorsed,* R. 18th May. 1 $\frac{3}{4}$ pp. *Enclosed,*

112. i. Duplicate of encl. i. preceding. [C.O. 137, 53. ff. 194, 194v., 195v.–197.]

[March 13] **113.** A State of the Paper Currency in Carolina and a proposal in relation to the same [? *By Governor Johnson*]. Merchants in London and all parties in S. Carolina are agreed that there is an absolute necessity to continue the paper currency to supply the want of gold and silver *etc.* *Proposes* the suspension of the sinking fund for 7 years *etc. as* 7th March, and that, as a mark of H.M. bounty and goodness to the Province on its first coming into the possession of the Crown, all arrears of quit-rents be applied to such public uses as the Assembly shall judge most for their advantage. As a proper return of gratitude for this bounty, it is proposed that the quit rents for the future may be settled at a certain value, for at present by an Act the same is to be paid in the produce of the Province at such value as two of the Council and two of the Assembly shall annually ascertain the same at, which probably will not exceed one fifth part of the value of Proclamation money *etc.*, and that the Governor be instructed not to apply the arrears or suspend the sinking fund till this is done. *Proposes* instructions for the Governor for encouraging settling of towns *etc.* *Endorsed,* Recd., Read 13th March, 17 $\frac{29}{30}$. 2 $\frac{1}{2}$ pp. [C.O. 5, 361. ff. 76–77v.]

March 13. **114.** Mr. Popple to Mr. Scrope. Requests that the money
Whitehall. granted to Mr. Hintze decd. may be paid to his son for the same purpose *etc.* [C.O. 218, 2. pp. 176, 177.]

March 13. **115.** H.M. Warrant for the use of new seals for the Leeward
St. James's. Islands, New York, Bahama Islands and Nova Scotia, *described.* Cf. C.S.P. 1705. Nos. 1089 ff. and the return of the

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old. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 36. pp. 202-208.]

March 16. **116.** Order of King in Council. Approving representation of 3rd March, and appointing Thomas Maxwell to the Council of Barbadoes. *Signed*, Edward Southwell. *Endorsed*, Recd. 30th May, Read 4th June, 1730. 1 p. [C.O. 28, 21. ff. 66, 67v.]

March 16. **117.** Order of King in Council. Appointing Alexander Henderson to the Council of Jamaica in the room of Mr. Forbes. *Signed*, Edward Southwell. *Endorsed*, Recd. 30th May, Read 4th June, 1730. 1 p. [C.O. 137, 18. ff. 76, 77v.]

March 17. **118.** Mr. Popple to Col. Hart, late Governor of the Leeward Islands. You will observe by the undermentioned extracts, that there is a difference of 20 years, between the time when Genl. Hamilton relates the evacuation of Sta. Cruz to have happen'd, and the time that you mention the same thing; As it is material to my Lords Commissrs. for Trade and Plantations to be particular as to point of time, in a report they are shortly to make in relation to this island; I am commanded to desire you will please to reconsider your letter, and let me have your answer, as soon as possibly you can. Quotes extracts from Genl. Hamilton, 10th April, 1716 and Col. Hart 10th July, 1729. v. C.S.P. under dates. [C.O. 153, 15. pp. 47, 48].

March 17. **119.** Council of Trade and Plantations to the King. *Recommend* Robert Dinwiddie for the Council of Bermuda in place of Capt. Daniel Tucker decd. [C.O. 38, 8. p. 149].

March 17. **120.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the King. Annexed,

120. i. *Same* to the King. In obedience to order of 21st Feb., submit following.

120. ii. Draughts of H.M. Additional Instructions to Governors of Plantations (*excluding Proprietary Governments*). Having been graciously pleas'd to grant unto the Right Revd. Father in God Edmund Lord Bishop of London, a Commission under Our Great Seal, whereby he is impowered to exercise ecclesiastical jurisdiction by himself or by such Commissaries as he shall appoint, in Our several Plantations in America; It is Our will and pleasure, that you give all countenance and due encouragement to the said

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Bishop of London or his Commissaries in the legal exercise of such ecclesiastical jurisdiction, according to the laws of the *Island* [*Province*], *Colony* under your Government, and to the tenor of the said Commission, a copy whereof is hereunto annexed, and that you do cause the said Commission to be forthwith registered in the Public Records of that Our *Island* (*Province*) *Colony*. [*C.O.* 324, 11. pp. 164-167.]

March 17. **121.** Robert Dinwiddie, Collector of H.M. Customs in Bermuda, to the Council of Trade and Plantations. *Observations on the trade of America.* (i) It will greatly advance the Trade and Navigation of Great Britain, and particularly encourage that commodious and profitable settlement of South Carolina, if liberty was given to export rice directly from thence to any part of Spain and Portugall, and that the ships so loading rice be obliged to proceed from Spain, or Portugall, to some port of Great Brittan, and their clear out their ships and cargoes, or they be admitted to return to the Plantations, which will be a mean to hinder a collusive trade. And that every hundredweight of rice shipt as aforesaid be subject to 2s. sterl. duty, which money is to be lodged in the Treasury of South Carolina, and made use of in transporting or paying the passages of poor familys from Great Brittain and Ireland, and that the Governor have power to give those people some lands behind our nou (*sic*) settlements, and out of the above duty advance them by way of loan a certain sum for 7 years free of interest *etc.* (ii) The Sugar Plantations are of very great consequence to Great Brittain *etc.* *Proposes* that Ireland have liberty to export provisions to any part of America, but be restrained from carrying them to any port in Europe (butter excepted), whereby the French will be under a necessity to support their Sugar Colonies by dealing with our Plantations *etc.* By this means we shall considerably engross the sugar trade out of the hands of the French and make them have a dependance on our Collonies for support of their Plantations, and make the port of London the chief staple for that commodity to all Europe, for the price of sugar does not depend on the home consumption, but on the constant demand all over Europe *etc.* One consequence of this regulation would be that provisions in our Collonies will alwayes be plenty and at a moderate price to our planters, and the people of Ireland instead of wine and brandy would be furnished with good rum and suggar at a much more beneficial rate in exchange for their provisions. (iii) I observe great frauds carried on in the Plantation trade, and that by selling of vessels to the French and Dutch. When they make a purchase they generally continue the master in their imploy and by the protection of the vessell's register, and English master, and perhaps two more

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English sailors, they import provisions of all kinds etc. not enumerat, directly from our Northern plantations, to their islands and settlements, and often introduce privately into our Collonies, sundry European goods, and the produce of their plantations duty free, much to the prejudice of the British, and plantation trade etc. *Proposes* that masters be obliged to give bond on registering etc., and that produce of French or Dutch plantations imported into the Collonies should be subjected to the same duties and regulations as our own etc. (iv) There is not anything gives the French and Dutch so great an opportunity to rivall us in our trade with the Spanish dominions in the West Indies, as the incroachments they are daily making on our settlements on the coast of Africa etc. On the supply of negroes from this coast our suggest, tobacco and other Plantations much depends etc. *Proposes* that H.M. take this coast, and the trade thereof, under his protection, by purchasing the castles etc. from the present Company, and send over a Governour and two Independent companies, and defray the expence by a duty of 10s. on each negroe imported into our Plantations, which will amount to £18,000 pr. annum etc. *Signed*, Robt. Dinwiddie. *Endorsed*, Reed. 17th March, 17²⁹/₃₀. Read 24th March, 173¹/₁. 2³/₄ pp. [C.O. 323, 9. ff. 60-61v.].

[March 18] **122.** Governor Burrington to the Council of Trade and Plantations. *Abstract*. The inhabitants of N. Carolina are exceeding poor and distressed and their numbers reduced by the late Indian wars, but the low price of quit-rents has encouraged a multitude to resort thither. Any increase in the quit-rents would be regarded as an oppression and prevent the cultivation of increased lands, part of which is but barren pine land etc. The inhabitants justly claim to be placed on the same basis of payment of quit-rents as the rest of H.M. subjects in N. America. *Printed*, N.C. Col. Rec. III. 77. *Signed*, Geo. Burrington. *Endorsed*, Reed., Read 18th March, 17²⁹/₃₀. 1³/₄ pp. [C.O. 5, 293. ff. 5, 6, 6v.].

March 18. **123.** Mr. Popple to Mr. Attorney and Solicitor General. My Lords Commisrs. for Trade and Plantations having several papers under their consideration in relation to the settlement of Carolina, and observing that some grants were made by the late Lords Proprietors for large tracts of land, without any limitation therein, either as to the place where or time when, the said land is to be taken up and seated, command me to send you a copy of one inclosed to Sr. Nathanl. Johnson dated in 1686, which has never yet been put in execution: My Lords Commissioners desire you will please to consider the same, and let them have your opinion in point of law, whether such grants are legal and of force. And as the

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validity of those grants will naturally turn upon the powers, clauses and design of the original grants from the Crown to the Lords Proprietors of Carolina, I have likewise sent you those grants for your further information upon this subject. The Governors of North and South Carolina being to receive their Instructions upon this head, I am commanded to desire your opinion, as soon as conveniently you can. *Signed*, Alured Popple. I am to desire you will please to return the inclosed papers with your report. [*C.O.* 5, 400. *pp.* 274, 275].

[March 18] **124.** Copy of Sir Nathaniel Johnson's Patent for two Baronies and the dignity of a Cassique in Carolina, 1st April, 1686. *Endorsed*, Recd. (from Col. Johnson), Read 18th March, 17 $\frac{29}{30}$. *Latin.* 2 $\frac{1}{4}$ *pp.* [*C.O.* 5, 361. *ff.* 80–81v.].

[March 18] **125.** Col. Johnson to the Council of Trade and Plantations. *Abstract.* Upon his proposal for settling Carolina, their Lordships were of opinion that the quit rents ought to be a penny pr. acre as well within the privilege of the townships as without. It is apprehended this will be a great discouragement to new settlers to settle in townships, which are urgently needed as places of refuge from the enemy *etc.* As to the lands without the privilege of the townships a penny pr. acre quit-rent would discourage numbers from going to Carolina, being a greater rent than Barbados, and the Leeward Islands pays, or Virginia, New York and New England, which countries are far more secure than Carolina, and not so burthend with heavy taxes. It will also discourage the taking up of pine lands for making pitch and tar *etc.* *Endorsed*, Recd., Read 18th March, 17 $\frac{29}{30}$. 2 $\frac{3}{4}$ *pp.* [*C.O.* 5, 361. *ff.* 82–83].

March 19. **126.** Order of the House of Lords that the Council of Trade and Plantations lay before the House an account of the proposals that have been made to them by the merchants or that they themselves have formed relating to the furnishing this Kingdom with Naval Stores from our own Plantations, and also the establishments of the Governours and Governments of the several Plantations as they found them when the Board of Trade was first establish'd, and the variations that have been since made therein to this time, and also who are the present Governours, and when appointed. *Signed*, Wm. Cowper. Cler. Parliamenter. *Endorsed*, Recd. 19th, Read 20th March, 17 $\frac{29}{30}$. $\frac{1}{2}$ *p.* [*C.O.* 323, 9. *ff.* 34, 37v.].

March 19. **127.** Mr. Popple to Mr. Guerish. My Lords Commrs. *Whitehall.* desire you will let the Board have what information you can concerning the French having left Sta. Cruz. *etc.*, and in what year (*cf.* 17th and 25th March). [*C.O.* 153, 15. *pp.* 48, 49].

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March 20.
Whitehall.**128.** Council of Trade and Plantations to Lord Townshend.
Enclose following to be laid before H.M. *Annexed*,

128. i. *Same* to the King. In obedience to commands of 28th Nov. submit following. *Continue*:—(a) In the 8th, 23rd, 25th, 27th, 45th, 48th, and 68th articles of the *Massachusetts Bay Instructions*, we have omitted ye words *Assembly*, and added in lieu thereof the words, *House of Representatives*, because in this Colony the Assembly is always supposed to comprehend all the three constituent parts of ye Government. Mr. Belcher having represented to us the necessity there is of having some paper mony, to carry on the current services of the Province, we have altered Mr. Burnet's 15th Instruction in this particular, and have allow'd Mr. Belcher to give his assent to acts for raising a summe not exceeding £30,000 in paper mony, for the annual service, and support of yor. Majesty's Government, till yor. further pleasure shall be known upon this subject, provided he do take care that no greater summe then £30,000 be ever current at one and the same time. And we have added the 18th Article for the speedy and effectual sinking of such bills as are already current in the Province by virtue of former Acts of Assembly. We have likewise added ye 17th Article, to prevent any grants or payments of an extraordinary, or unusual nature, within this Province, without yor. Majesty's Royal permission. We have omitted the latter part of Mr. Burnet's 16th Instruction, relating to ye passing of Acts, for repealing any already confirm'd, the purport thereof, being effectually provided for by Mr. Belcher's 15th. We have added the 26th Article forbidding the Governor to take any gifts or presents; it being an Instruction to all your Majesty's Governor's in the Plantations. In the 27th Article directing him to endeavour to get his salary fix'd, we have taken notice of all that has been done upon this head, and have added thereto an order for Mr. Belcher's coming home, upon their non compliance, to give an account of their behaviour, that the Assembly may see your Majesty is resolv'd to have that matter finally determin'd, and that your Governors of that Province shall for the future be independent of ye Assembly there. We have omitted Mr. Burnet's 24th Article, a convenient house being now built for the Governor. Mr. Burnet's 27th Article relating to issuing of mony, and allowing the Assembly the power of viewing and examining all accompts, being much better provided for, by Mr. Belcher's 30th, the former is here omitted. Mr.

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Belcher's said Article has already been approv'd by yor. Majty's. Order in Council, 2nd Dec. last, to which we have only added the words in the latter part thereof, vizt., *the passing all accots. for payment*, to prevent the House of Representatives taking upon themselves, as they have of late years, to allow and pass all accompts, before the Governor can issue his warrant for payment thereof. We have added ye 31st Article, whereby the Commander in Chief, during the Governor's absence, will be allow'd a moiety of his salary, and perquisites, it being an Instruction given to all your Majesty's Governors in America. We have omitted the following words in the 33d Article, they having never been complied with, and they would occasion a great expence to the Province, and be of little or no use, vizt., *as likewise an account every three months or oftner, as there may be occasion, of all causes that have been determined, and of those which remain depending, and in general, an abstract of all proceedings of ye sevl. Courts of Justice within Our said Province etc.*, providing only that the proceedings relating to all causes where appeals are lodg'd before yor. Majesty in Council shall be faithfully transmitted home. Your Majesty has already been pleas'd to approve (2nd Dec.) the 35th Article, to prevent the Governor's exacting any illegal fee, for registering ships, and for lettpasses; as likewise the 44th Article, directing ye Governor to be aiding and assisting to ye Surveyor General of your Majesties woods in America and his Deputies. We have added ye 47th Article in pursuance of yor. Majesty's Orders etc., 21st Jan., directing the Governor to countenance and encourage ye Bishop of London, or his Commissaries, in the legal exercise of his ecclesiastical jurisdiction, according to the laws of the Province, and the tenour of your Majesty's Commission to the said Bishop. The 70th Article for preventing the Governor's appropriating to his own use, the produce of whales, is added in pursuance of an Order of a Committee of Privy Council, 18th Dec. last. We have inserted the 74th Article, in relation to the 5th and 6th Articles of the Treaty of Neutrality in America in lieu of Mr. Burnet's 66th Article upon the same subject, which we have in this manner alter'd, pursuant to an Order of the Committee of Privy Council, 6th June, 1728. There having been a dispute for many years, between the Province of the Massachusetts Bay and New Hampshire, respecting their boundaries, we have inserted ye 80th Instruction, as the only

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means we can think of, to determine the same. We have omitted Mr. Burnet's 73rd Article, for restraining ye privylege of printing, it being now left out in all the Instructions to yor. Majty's Governors except New York and New Jersey, and has ever been attended with great inconveniencies whenever the Governors have attempted putting the same in execution.

(b) In the first Article of the general Instructions for *New Hampshire*, we have omited the following words, in order to make that Article consistant with your Majesty's Commission for the Government of this Province, vizt., *lying and extending itself from three miles northward of Merrimac River, or any part thereof, unto the Province of Main, with the South part of the Isle of Shoals.* We have made the same alteration, in these Instructions, as in those for the Massachusets Bay, with respect to ye paper mony, except only that ye summ here requir'd for the annual service amounts but to £6000. The Instruction to prevent grants, or payments, of an extraordinary nature, without your Majesty's permission, is likewise here inserted. The Council and Assembly of this Province having comply'd with Mr. Burnet's 30th Instruction by giving a fix'd salary during his Govt., we have omitted that Article and have inserted the 32nd in ye room thereof. In ye next Article, we have added ye following words, without which, Mr. Belcher could not have accepted of any salary without first sending to this Kingdom for leave vizt., *except ye salary of £200 pr. annum as directed in ye foregoing Article.* We have likewise inserted in the Instructions the Articles relating to the Surveyor General of Woods; the Bishop of London; boundaries; whales; Treaty of Neutrality; and liberty of the Press as at close of (a) *supra*. We have made no other alteration in these Instructions for the Massachusets Bay and New Hampshire, or in those wch. relate to the Acts of Trade, except inserting ye last Act which pass'd in relation to Naval Stores, and leaving out that clause in ye Instructions which related to the Act for preventing the importation of strip'd tobacco.

128. ii. Draught of H.M. Instructions to Jonathan Belcher, Governor of the Massachusets Bay. Alterations described *supra* 1 (a). The xvth Instruction permits the passing of an Act for issue of bills of credit up to £30,000 *etc.*, as described 1 (a). (xvii.) Not to give assent to any act for any grant or payment of an extraordinary nature to any person whatsoever,

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without a clause declaring that it shall not take effect until said act has been confirmed by the Crown. (xviii.) "to take care that the bills of credit heretofore issued be called in and sunk according to the periods and provisions of the respective acts, by wch. they were issued." xv., xxvi. as described. xxvii. Whereas by Our Royal Instructions to William Burnet, We did direct him to acquaint the Council and House of Representatives, that as they hoped to recommend themselves to the continuance of Our royal Grace and favour, we expected they should manifest the same by an immediate compliance with what had so often been recommended to them, in relation to the passing of acts forthwith, for establishing a fix'd and honble. salary for the support and maintainance of ye dignity of Our Governor for the time being, and that we deem'd a competent sum for that purpose to be at least £1000 sterling pr. annum, and that in case the sd. Council and House of Representatives should not pay a due and immediate regard to Our royal will and pleasure therein; we should look upon the same, as a manifest mark of their undutifull behaviour to us, and such as might require ye consideration of ye Legislature of Great Britain. And whereas Our Royal Consort, the Queen, being Guardian of the Kingdom, and Our Lieut. during Our absence, upon a representation from the Lords of the Committee of Our Privy Council, was pleas'd to allow of some alterations in Our sd. Instruction, and to condescend that Mr. Burnet might accept a salary of £1000 pr. annum, provided ye same were settled on him, for the time of his Governmt. only; notwithstanding wch. condescention, ye sd. Assembly have not yet thought fit to settle any fix'd salary on their Governor, whereby they have justly incurr'd Our displeasure, and an account of their behaviour, wou'd ere this have been lay'd before Our Parliament of Great Britain but that Our Commissioners for Trade and Plantations have humbly requested that We would be graciously pleas'd to suspend Our just resentment till the said Assembly shall have had one further opportunity of considering the justice and importance of Our said Instruction, wherein ye trade and interest of Great Britain are more concern'd then Our Royal Prerogative; For which purpose, Our sd. Commissioners have, by Our permission, transmitted to the Speaker of ye said House of Representatives a proposal *quoted* (v. 12th Nov. 1729). *Continues* :—Now you are hereby ordered and directed

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to recommend to the said Assembly, that they do forthwith comply with this proposal as the last signification of Our Royal pleasure to them, upon that subject ; But if the said Assembly shall not think fit to comply therewith ; It is Our will and pleasure, and you are hereby required immediatly to come over to this Our Kingdom of Great Britain, in order to give us an exact account of all that have pass'd upon this subject, that we may lay the same before Our Parliament, unless you shall think it more for Our service, to send some other person, fully instructed in the state of Our Province under your Government, to give us information concerning ye same. *Other alterations as described supra 1 (a).*

128. iii. Draught of H.M. Instructions to Jonathan Belcher, Governor of New Hampshire. *Alterations described supra 1 (b).*

128. iv. Memorandum : The draughts of Instructions for Governor Belcher were the same, *mutatis mutandis*, with those to Col. Montgomery for the government of New York, 28th Sept., 1728. [C.O. 5, 916. pp. 267-381].

March 21. **129.** Mr. Gerrish to Mr. Popple. In reply to enquiry of Lyme Street. 19th, cannot give any account of the French leaving Sta. Cruz, "only that I have heard they were ordered to leave it" etc. P.S. There is one Collo. Suleager [? = Soulegré. *Ed.*] a French Gent. who formerly lived at St. Xophers and now lives in Soe hoe Square that can give you some accott. of this affaire. Signed, W. Gerrish. *Endorsed*, Reed. 21st, Read 25th March, 1730. *Addressed*. $\frac{1}{2}$ p. [C.O. 152, 17. ff. 127, 128v.].

March 24. **130.** H.M. Warrant appointing Thomas Maxwell to the St. James's. Council of Barbados in the room of Othniel Hagget decd. *Copy*. [C.O. 324, 36. p. 209].

March 24. **131.** H.M. Warrant appointing Alexander Henderson to St. James's. the Council of Jamaica, in the room of Alexander Forbes decd. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 36. p. 210].

[March 24]. **132.** Petition of Merchants of London and Bristol trading to S. Carolina to the Council of Trade and Plantations. *Pray for* the removal of the duties of £10 and £1 pr. head laid by Acts of S. Carolina on negroes imported there, "They have no right thus to tax the British trade" etc. Signed, William Chapman, Will. Jefferis, Ste. Pet. Godin. *Endorsed*, Reed., Read 24th March, 17 $\frac{2}{3}$. $\frac{3}{4}$ p. [C.O. 5, 361. ff. 84, 85v.].

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March 24. **133.** John Peter Purry of Neufehatel to the Council of Trade and Plantations. Refers to failure of his scheme for settling Swiss in S. Carolina (1724, 1725), and asks for a grant of lands and encouragement to settle some there now. *Signed*, Charles Purry. *Endorsed*, Recd. 24th, Read 25th March, 1730. 1 p. [C.O. 5, 361. ff. 86, 87v.].

March 25. **134.** Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the King. *Autograph signatures*. 1 p. *Enclosed*,

134. i. *Same* to the King. In obedience to command of 6th instant, *have considered* the letters then enclosed relating to "the islands of Sta. Lucia, St. Vincents, and Dominico in America," and the proposal made to Mr. Poyntz, by the Garde des Sceaux, that both Nations should intirely evacuate these three islands until the right to them should be determined, and that this right should be forthwith discussed, and we are humbly of opinion it will be for your Majesty's service to close with this proposal which we hope will be as punctually executed by the French King's Officers as by your Majesty's. In the mean time we shall make diligent search into the books of our Office, and likewise acquire what other lights we can for the support of your Majesty's right to these islands; Whereupon we shall as soon as may be, make a full representation to your Majesty. We have likewise had under our consideration the disputes that have lately happened between your Majesty's subjects and those of the French King at the island of Sta. Cruz, as well as the complaints from the French Court, that the Governor of the Leeward Islands had lately endeavoured to make a settlement there. But as these matters will intirely depend upon your Majesty's title to that island, so soon as we shall be fully informed upon what foundation that stands, which will take up some time to search out and digest, we shall likewise offer our humble opinion upon these points to your Majesty. *Autograph signatures*. 2 pp. [C.O. 152, 40. Nos. 30, 30.i.; and 29, 15 pp. 130-132.]

March 25. **135.** W. Chapman to the Council of Trade and Plantations. We represented that the duty (v. 24th March) laid upon Blacks imported into S. Carolina is in effect a duty upon the British manufactures, the Blacks being the produce thereof, and that the merchant importer often paid hereby the duty for blacks which dyed before they were sold. But whereas this duty is appropriated, proposes that it be laid henceforth on the

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buyer *etc.* *Signed*, William Chapman. *Endorsed*, Recd., Read 25th March, 1730. 1 p. [*C.O.* 5, 361. *ff.* 88, 89v.]

March 25.
Whitehall.

136. Mr. Popple to Peter Soulegre. My Lords Commrs. desire you will let them know whether the French did not abandon their settlement at Sta. Cruz, in order to strengthen that at St. Domingo, and about what time this transaction happened, *etc.* [*C.O.* 153, 15. p. 49.]

March 25.
Whitehall.

137. Council of Trade and Plantations to Committee of Privy Council. We have reconsidered the draughts of Instructions for Governor Philipps and Col. Dunbar *etc.* (v. Feb. 18). We have in the inclosed draughts according to your Lordships directions authoriz'd Col. Dunbar to lay out the lands for the new settlers between the Rivers Penobscot and St. Croix, but have reserved the power of making the grants thereof to Col. Philipps according to the tenour of his Commission. We have added a clause requiring Col. Philipps to furnish Col. Dunbar out of the Garrison with such a number of soldiers as will be necessary to protect him *etc.* [v. April 27th]. *Annexed*,

137. i. H.M. Additional Instructions to Governor Phillipps. [v. April 27.]

137. ii. H.M. Additional Instructions to Col. Dunbar. [v. April 27]. [*C.O.* 218, 2. *pp.* 178–198.]

March 25.

138. Petty expenses of Board of Trade, Christmas to Lady day, 1730. (v. *Journal*). 7 *pp.* [*C.O.* 388, 79. *Nos.* 58–61.]

March 25.
Whitehall.

139. Council of Trade and Plantations to the King. Annex draught of Seal for N. Carolina. (v. April 27.) [*C.O.* 5, 323. *f.* 13v.]

March 28.
London.

140. Governor Osborn to the Council of Trade and Plantations. *Recapitulates* proceedings for levying a rate for building a prison. v. C.S.P. 14th Oct., 1729. *Continues* :—As there may be some troublesome, ill-meaning persons, who may not agree to the passing of this rait, I wou'd beg your Lordships' directions in what manner I shou'd treet such persons, and whether it is your Lordships' opinions, that what I have hitherto done is agreeable to H.M. intentions, my only view being to forward the design of H.M. Commission *etc.* *Signed*, Hen. Osborn. *Endorsed*, Recd. 29th March, Read 12th May, 1730. *Holograph*. 2 *pp.* [*C.O.* 194, 8. *ff.* 319, 319v., 320v.].

March 29.
Barbados.

141. Governor Worsley to the Duke of Newcastle. *Refers* to letter of 4th Dec., 1729, and the non-payment of H.M. tax. Nobody has since paid in *etc.* *Continues* :—Otherwise my

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Government is very quiet, and I hope that this year in obedience to H.M. Order, the Assembly-men will take in and return to the Treasurer, the lists of the negro's; and the Vestry of the several towns will lay the appointments, but whether they will, or not, three or four weeks will discover, for by the 20th of the next month, they are to make their returns to the Treasurer under the penaltys by the law inflicted. The Committee of the Publick accounts has not yet examined the late Treasurers, relating to the 2/6 levy, so that I can't as yet tell what the forfeitures, and penaltys may amount to, according to the law; or what number of inhabitants have not paid; *Refers to enclosures. Concludes, in own hand*:—I beg leave to congratulate your Grace upon the conclusion of the peace *etc.* *Signed*, Henry Worsley. *Endorsed*, R. June 9th. 2 pp. *Enclosed*,

141. i. Address of the Grand Jury of Barbados to the King. Dec., 1729. Express their loyalty to the King, "under whose royal commission and instructions we are, at present, so happily and prudently govern'd" *etc.* Are struck with admiration and pleasure at the great care and circumspection with which all matters relating to the welfare of the island receive the royal determination *etc.* *Continue*:—And since 'tis no less evident that the highest wisdom and impartiality are likewise exercised on all appeals from hence in cases of private property, it ought, most certainly, to make every one of it's inhabitants not only well satisfy'd with, but truly thankful for so happy a method of ending controversys, as it cannot fail giving them the firmest grounds to believe their estates, even at this distance, equally secure with those of their fellow subjects whose residence is nearer the Royal Presence. We are, indeed, but too well appriz'd, from very late instances, of the confusion which wou'd soon be brought upon us, were we to be wholly left to our own judgment of things, and not to have recourse to the dernier resort whereof we have now been speaking; whereby, however, experience shows that we are often set right by the gentlest means, and after the most tender manner. As these privileges and advantages (being what occasion the envy of other Colonys) were never, it must be confess'd, more fully enjoy'd than in the present reign, interest as well as duty, engage us to wish it may be long and always prosperous *etc.* *Signed*, Willm. White, John Gittens and 16 others. 1 large p.

141. ii. Address of the Grand Jury to Governor Worsley. Dec. 1729. Acknowledge their indebtedness to his prudent and steady administration. Many who once made attempts to make him uneasy, are now convinced

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that the same were equally impotent and absurd, as well as ill-natured and unjust *etc.* As we verily believe they first took rise from the private pique only of a few, it is no wonder if they end in a total disappointment *etc.* It is an addition to the merit of your Excellency's character, that no considerations arising from the gratification of having obtain'd the Royal suffrage in everything that has unhappily been brought in dispute, can tempt you to alter your measures with respect to those who were the occasion of it, or to neglect any opportunity of promoting the general good *etc.* They will themselves follow his bright example and do their utmost to prevent party disputes *etc.* *Signed, as preceding. Copy. 1 large p.*

141. iii. Address of the Grand Jury to Thomas Maxwell, Chief Justice of Barbados. Dec., 1729. Return thanks for and concur with his charge expressing a just regard for the general good of the island *etc.* Such loyalty and public spirit were only to be expected from the son of the late General Maxwell, who filled some of the highest posts in this Government with unspotted reputation *etc.* If others of late had observed the binding nature of the laws, they would not have suffered in their characters *etc.* *Signed as preceding. Copy. 1 large p.* [C.O. 28, 45. ff. 89, 89v., 90v., 91v., 92, 93v., 94, 95v., 96.]

March 29.
Barbados.

142. Governor Worsley to the Council of Trade and Plantations. Duplicate, *mutatis mutandis*, of preceding covering letter. *Signed*, Henry Worsley. *Endorsed*, Recd. 26th May, Read 15th Oct., 1730. 2 pp. *Enclosed*,

142. i. Proceedings of Court of Chancery, Barbados, 22nd Jan., 1728(9)—9th July, 1730. *Copy. Signed*, Henry Dodsworth, D. Regr. 6¼ pp. *Endorsed*, Recd. 26th May, 1730. 6¼ pp.

142. ii.-iv. Duplicates of preceding encl. i.—iii. *Endorsed as preceding. 3 pp.*

142. v. Opinion of Mr. Blenman, Attorney General of Barbados, upon the Act for *reducing the rate of interest etc.* 26th Nov., 1729. *Signed*, J. Blenman, *Same endorsement. Copy. 1¾ pp.*

142. vi. Opinion of Mr. McMahon *upon same.* 22nd Nov., 1729. *Signed*, Geo. McMahon. *Same endorsement. Copy. 3 pp.*

142. vii. Opinion of Mr. Tuncks *upon same.* *Signed*, Thomas Tuncks. *Same endorsement. Copy. 2 pp.* [C.O. 28, 21. ff. 80, 80v., 82-85, 86v., 87, 88, 89-92v., 93v.-94v., 95v.]

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March 30.
Jamca.

143. Governor Hunter to the Duke of Newcastle. I had the honor to write to your Grace by ye *Rupert etc.* This, by a merchant ship, serves only to inform you of what has been done in our last short session of Assembly here. *Refers to enclosures.* *Continues* :—As this session broke up on ye 28th at their own request on account of the season, it being that of their sugar crops, there was not time to transcribe either the acts or minutes. These shall be sent by the *Plimouth* which is to sayle soon, if they can be gott ready *etc.* The Assembly stands adjourn'd only to the 16th of June next. In the mean time a Committee of the Council and Assembly are to meet in order to concert measures or prepare heads of bills for the further strengthning and better planting the island and other matters conducive to the credit and intrest thereof, in pursuance of the resolutions of this session. I think I am in a way of getting the better of the unaccountable opposition or obstruction has been hitherto given to ye publick affairs of this island so that I may have the satisfaction of doing H.M. effectual service here in promoting the security and prosperity of a Colony of such importance to the trade of Great Britain *etc.* *Signed*, Ro. Hunter. *Endorsed*, R. June 9th. 1 $\frac{3}{4}$ pp. *Enclosed*,

143. i. Copy of the Weekly Jamaica Courant, March 25, 1730. (a) Address of the Council in reply to H.E.'s Speech. *Express* gratitude for confirmation of laws, and praise the uncommon pains H.E. has "shewn for the good of this Country," *etc.* (b) The Governor's reply. (c) Address of the Assembly to Governor Hunter in reply to his Speech, 14th March, 1729. Are cheerfully and unanimously resolved to provide at once, as recommended by H.E., means for strengthening and peopling the island, reducing the rebellious slaves, finishing the fort and encouraging the new settlement at Port Antonio *etc.*, and to pass an act for vesting 20 acres on Lynch's Island in the Crown. *Express* "grateful sentiments of H.M. extensive justice to us, on the happy occasion of our laws being perpetuated" *etc.*, and H.E.'s wise administration *etc.* *Signed*, Tho. Beckford, Speaker. (d) Governor Hunter's Reply. Announces conclusion of Peace with Spain *etc.* *Printed* by M. Baldwin, 1729. Price one bit, or 7s. 6d. per quarter. The advertisements are headed :—Spices of all sorts to be sold at the Printers very reasonable. 4 pp.

143. ii. Governor Hunter's Speech to the Assembly, 12th March, 1729(30). *Recommends* measures outlined in preceding i (c). Announces confirmation of Acts for granting a revenue and reviving and perpetuating the

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- laws; for raising a tax by the poll and trade; and the deficiency act *etc.* *Copy.* $2\frac{3}{4}$ pp.
143. iii. Resolution of the Council of Jamaica, 18th March, 1729(30). Upon the Assembly's address to H.E. for ordering out parties to suppress the rebellious negroes *etc.* and protecting Port Antonio, resolved that a Proclamation be issued for the encouragement of 100 volunteers *etc.* *Copy.* $1\frac{1}{2}$ pp.
143. iv. Address of Assembly to Governor Hunter, 18th March, 1729(30). Described in preceding. *Copy.* $\frac{3}{4}$ p.
143. v. Titles of Acts passed, 17 $\frac{29}{30}$. (i) *for vesting 20 acres of land in Lynches Island in the Crown*; (ii) *for amending the highways*; (iii) *to oblige the several inhabitants to provide themselves with a sufficient number of white people, or pay certain sums of money in case they shall be deficient, and applying the same to several uses, and for repairing the wall of Port Royal*; (iv) *for raising several sums and applying the same to several uses*; (v) *for the better suppressing and reducing the rebellious and runaway negroes*; (vi) *for the better regulating slaves and rendring free negroes and mulattoes more useful, and preventing hawkking and pedling and enlarging the time for the Commissioners collecting the outstanding debts.*
143. vi. Address of the Council and Assembly of Jamaica to the King. 26th March, 1730. Congratulate H.M. on his safe return and conclusion of peace with Spain, which gives them hopes that their trade with the Mother Country will now be uninterrupted and ample reparation made them "for the many and unjust depredations and captures of our ships and vessells by the Spaniards" *etc.* "Wee and our latest posterity shall always most affectionately and dutifully commemorate the establishing our constitution and perpetuating our laws" *etc.* as a fresh instance of H.M. paternall goodness and justice to them, *etc.* *Signed,* Tho. Beckford, Speaker; Jos. Maxwell, Cl. Conc. 1 large p.
143. vii. Message of the Assembly to Governor Hunter. The House has resolved that a sum not exceeding £2000 shall be applied for re-building the gaol in this town, and requests H.E. to give orders for the same and to appoint a Surveyor at £100 pr. annum. 1 p. [*C.O.* 137, 53. ff 198, 198v., 199v.-203, 204, 204v., 206, 208, 209, 211.]

March 31. **144.** Governor Belcher to the Duke of Newcastle. About
 Pall Mall. ten dayes agoe I did myself the honour of writing you, to beg
 of your Grace a favour always allowed the King's Govrs.,
 to be made easy in their Lieutt. Govrs., and your Grace was

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pleased to tell me (upon the adjournmt. of Parliamt.) you wou'd speak to the King, that Col. William Tailer might have a Lieutt. Govr's. Commission. The man of war in which I imbarck will soon be ready, so I must intreat your Grace, to let me have the Commission to carry with me *etc.* As it will promote the peace of that Government, so it will very much H.M. service there, *etc.* *Signed*, J. Belcher. *Holograph*. $1\frac{3}{4}$ pp. [C.O. 5, 898. No. 72.]

April 1.
Whitehall.

145. Circular letter from Duke of Newcastle to the Governors and Proprietors of the Plantations. Encloses following Order. *Concludes* :—It is not to be understood in any manner to countermand or retard the execution of H.M. Order of 22nd Jan. for the immediate restitution of prizes *etc.* *Signed*, Holles Newcastle. [C.O. 324, 36. p. 219.]

April 1.
St. James's.

146. The King to the Governors and Proprietors of the Plantations. You are to make and transmit lists and inventories of prizes taken from the Spaniards *etc.* *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 36. pp. 212–215.]

April 2.
Whitehall.

147. Council of Trade and Plantations to the Lords Commissioners of the Treasury. Request payment of Office expenses and Officers' salaries for quarter ending Lady Day. Account annexed. [C.O. 389, 37. pp. 308, 309.]

April 2.
Portsmo.

148. Lt. Governor Wentworth to the Council of Trade and Plantations. *Encloses* copy of Nov. 15th, 1729. Has often given an account of the distressed circumstances of those people for want of a line being run between the two Governments *etc.* *Continues* :—These people are 8 or 10 miles to the norward of where ye line runs, and there was never a man settled there since the Creation, before these north Britains came and they were there seven years uninterrupted untill the Massachusetts thought the meadows were fitt for moweing and then they attackt them like furies. Collo. Dunbar has taken some pains to informe himself about those poore people *etc.*, every day threatened to be hawled out of their homes, and we hope since our Province is so very small allready, yt. your Lordships will allow the Dominion, as well as the property, to be in the Province of New Hampshire. *Signed*, J. Wentworth. *Endorsed*, Reed. 2nd June, 1730, Read 9th June, 1731. 1 p. *Enclosed*,

148. i. Duplicate of *Same* to *Same*, 15th Nov., 1729. $1\frac{1}{2}$ pp. [C.O. 5, 872. ff. 166–167v.]

April 3.
Whitehall.

149. Duke of Newcastle to the Council of Trade and Plantations. *Encloses* following reply to the complaint made by Mr. Poyntz, by H.M. Order, of the acts of violence by a

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French man of war at Sta. Cruz *etc.* v. 12th Feb. *Signed*, Holles Newcastle. *Endorsed*, Recd. 4th April, Read 22nd May, 1730. 1 p. *Enclosed*,

149. i. Memorial in reply to the complaint of the English Ambassadors. 28th March, 1730. The voyage of the King's ship to Sta. Cruz was occasioned by the information which the Marquis de Champigny, Governor of the French Windward Isles, had received that the English were settling on this island in spite of the rights of France, which conquered it from the Spaniards 80 years ago, and has enjoyed possession thereof ever since without disturbance, and without its being contested or claimed by any other Power. It seems extraordinary that, in spite of this possession, the English should have undertaken to settle it and expose the two nations to methods of procedure so contrary to the Treaties and to the friendship existing between them *etc.* There is a marked dissembling in the report of Walter Chapman, (v. 12th Feb.) who is an interested witness *etc.* The Captain of the King's ship reports that having reached Sta. Cruz the 2nd Oct. (N.S.) 1729, and being about to land, he perceived three vessels anchored behind a bar. He sent a sloop to reconnoitre, which went aground. The commander having discovered a Jack hoisted and a battery of two guns and 20 men *etc.*, sent in his boat to inform them that the ship was a French man of war, to which they replied that they must withdraw. Shortly afterwards the Captain of the ship, having seen two shots fired from the land, decided that the vessels might be pirates, and accordingly sent two armed boats to join the sloop, which they re-floated. The English vessel nearest them then fired three cannon shots, and set sail to run ashore. The two boats pursued and boarded her. The master and the greater part of the crew escaped ashore. There remained only a few men who were about to fire their guns which they had loaded to the muzzles with grape-shot, but were prevented by the sailing-master of the man of war, who had been sent as interpreter and reached the English sloop first in a little launch, and informed them that the ship was the King's, which did not at all restrain them. The two boats having made themselves master of the three sloops, two of which were unseaworthy *etc.*, he assembled the officers of the ship and the Governor of St. Louis, who was a passenger, *etc.* and it was decided that the two unseaworthy sloops should be burnt and the third seized, and the King's flag put in

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the place of the English Jack, with a cross to mark the new taking possession, and the ceremonies usual on such occasions. On the 5th he sent an officer ashore, who brought two Englishmen to him, whom he had found on horseback on a high road. They informed the Captain that there had been a Commandant on the island, who was recalled by Lord Londonderry and found dead. The Captain gave to these two Englishmen a written summons to all Englishmen to withdraw from the island. There were no papers in the sloop he seized, which made him believe she was a pirate. Whilst he was weighing anchor, five negroes flung themselves into the boat. They were taken on board with an Englishman who claimed one of them, and to whom he was at once returned. He said he did not know the others and believed them to be Maroons. The Captain took them to Petit Guavas and declared them to the Admiralty together with the sloop. They have all been condemned there, and the produce (*of their sale*) held until further orders from the King. If the English who claim to be the owners have good titles, they have only to transmit them, and everything will be examined when the proceedings of the Admiralty Court arrive from Petit Guavas, and justice will be done by the King. He expects that the King of England will, similarly, give definite orders to the English to quit Sta. Cruz, and that he will strictly forbid any settlements to be made on the French islands, nothing being more contrary to the good faith and rights of the Sovereigns than this kind of enterprise or more liable to injure their good union. *Copy. French.* 4½ pp. [C.O. 152, 17. ff. 132, 133-135, 137v.]

April 3.
Admiralty
Office.

150. Mr. Burchett to Mr. Popple. H.M.S. *Oxford*, under Lord V. Beauclerk, and *Squirrel*, Capt. Osborn, designed for Newfoundland, the *Winchelsea*, Capt. Waterhouse, for Canseaux, being to proceed in a short time, *asks for* Heads of Enquiry *as usual*. *Signed*, J. Burchett. *Endorsed*, Reed. 4th, Read 8th April, 1730. *Addressed*. 1 p. [C.O. 194, 8. ff. 238, 239v.].

April 3.
Whitehall.

151. Mr. Popple to Governor Philipps. The bearer hereof Mr. Daniel Hintze being employed by the Government here to transport and settle some Palatines in Nova Scotia according to the Instructions sent you for this purpose, the Lords Commissioners for Trade desire you will shew him and them all possible encouragement that a design of so much advantage to Nova Scotia and consequence to H.M. other Plantations

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by so effectually securing their northern frontier may not be frustrated. [C.O. 218, 2. p. 199.]

April 4.
Whitehall.

152. Mr. Popple to Mr. Fane. Encloses copy of the Carolina Charter and enquires whether any grants by the Lords Proprietors be valid unless signed by them all and under their common seal. [C.O. 5, 323. f. 16.]

April 7.

153. Memorandum by Governor Burrington. Places in N. Carolina in the gift of the Duke of Newcastle; Chief Justice, Secretary, Attorney General, Provost Marshall. When I was Governor for the Proprietors the bill money was under £10,000, att that time English commodities sold for ten times the prime cost in bills. In the last Assembly held in Nov. past an addition was made of £30,000 new bills, which consequently makes them of very little value, the officers employments [?=emoluments] will be very inconsiderable if they are not allow'd to take their fees in Proclamation money, or according to that value. $\frac{3}{4}$ p. [C.O. 5, 308. No. 6].

April 7.
Whitehall.

154. Report by Council of Trade and Plantations to the House of Lords. In obedience to their Order of 19th March, *refer to* report by the Board 21st March, 1711, giving an account of all that had been done antecedent to that time in relation to the production of Naval Stores in the Plantations *etc.* (v. H. of L. MSS.). *Continue* :—Since that time, several proposals have been made to this Board from the merchants and other persons upon this subject *etc.* *Enclose* the Board's reports thereon (v. C.S.P. 6th July, 1715, 15th March, 1716, 28th March, 1718, 8th Sept., 1721, 25th Jan., 1725, 16th Feb. 1726, and 20th March, 1728). *Continue* :—We shall beg leave to take notice of some few particulars not mentioned in said reports. The first præmiums upon Naval Stores from the British Plantations were granted by an Act of 3rd and 4th of Queen Anne for nine years *etc.* (*quoted*), and as the publick found a considerable advantage to result from the importation of Naval Stores from Our Plantations, the same bounties were further continued for eleven years by an act in the 12th of the said Queen. But as some frauds had been discover'd in the making and packing of pitch and tar, provision was made by an act pass'd in the 5th year of His late Majesty, to prevent the like evil practices for the future; and it was particularly enacted, "that no certificate should be made out, in order to allow the præmium mentioned in the act of the 3rd and 4th of Q. Anne, for any pitch or tar imported from H.M. Plantations in America, till such pitch be freed from dirt or dross, or for such tar that is not fit to be us'd for making cordage, and that shall not be freed from dross and water; and unless such pitch and tar be clean, good, merchantable and well conditioned." And

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the officers of the Customs were impowered by the same act to open the heads of the barrels, or use such other means as they should think proper, in order to find out whether the said pitch be merchantable, and the tar well condition'd and fit for making cordage. But as this provision was not thought sufficient to cure the evil, and complaints were still made, of a certain burning quality in the American tar; by an act of the 8th year of His late Majesty (whereby the præmium upon hemp was continu'd for the term of sixteen years after the expiration of a former act) there was a clause inserted for making of tar in the same manner as tar is now made in Sweden; and it was expressly provided that no præmium should be allow'd upon any tar made in any other manner; But whether the difference between the climate of Sweden and that of our Plantations in America, may have rendred this method difficult in our Colonies, or whether the want of more perfect instructions for making of tar, may have made all attempts of this kind fruitless, so it has happen'd that no tar hath hitherto been imported, made in this manner; and the planters in general affirm, upon their experience, that it is impracticable. And therefore in the last act, pass'd for giving præmiums upon Naval Stores, which was in the 2nd year of His present Majesty, this method, tho' not wholly laid aside, is not made the only condition upon which tar imported from ye Plantations, may be entituled to præmiums, but to encourage the planters still to try what improvements may be made in this way, a larger præmium is allow'd for tar made after the Swedish manner. We must observe to your Lordships, that by this last mention'd act, many alterations are made from the plans of the former laws upon this subject, from whence we hope a very considerable saving may arise in the expense of the præmiums on Naval Stores, for the said præmiums are not only considerably reduc'd, vizt., tar from £4 pr. ton to £2 4s., pitch, from £4 pr. ton to £1, turpentine £3 pr. ton to £1 10s. 0d., but the importers upon re-exportation of any naval stores, are oblig'd to repay what præmiums they shall have receiv'd; and by this means the benefit of the said præmiums on Naval Stores will redound to the Navigation of Great Britain only; whereas there is too much reason to believe that foreigners formerly reap'd great advantage from thence. The præmiums on masts, yards and bowsprits, are still continu'd as they were.

As to the other part of your Lordships' Order, which relates to the establishment of Governors and Governments, we take leave to observe, that the receipts and payments of money, either for the Governors or any of H.M. Officers in the Plantations, not passing through this Office, we cannot give your Lordships so particular a state of their respective establishments as we could wish, but shall annex hereto as good an account of them as we are able, and of the variations that have happen'd

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therein, from the establishment of this Office. As most of the British Colonies in America were originally settled by private Adventurers at their own expence, except that of Jamaica, and are by degrees grown up to be what they now are, so we have but very imperfect accounts of them, till they came to be considerable enough to be taken under the immediate care and protection of the Crown, and such of them as are still Proprietary or Charter Governments, we are but little inform'd of even at this time, because they keep little correspondence with this Office, tho' it is not to be doubted, but they, as well as the others, have gone thro' many variations with respect to their circumstances and establishments. By the papers annex'd *etc.* your Lordships will be appriz'd of all that we have been able to collect upon this subject, in so short a space of time, from the many volumes in our Office *etc.* Describe appointments and establishments of Governors and officials in the respective Colonies, as recorded in Board of Trade Papers 1692—1730. [C.O. 324, 11. pp. 166-235.]

April 7⁷/₈.
Paris.

155. Extract of letter from Lord Harrington and Mr. Poyntz to the Duke of Newcastle. Yesterday we put into the Garde des Sceaux hands an extract of your Grace's letter of 26th past, relating to the evacuation of the Islands of Sta. Lucia, St. Vincent and Dominico. He sent it immediately to the Count de Maurepas, and has promised us an answer within a day or two at farthest. Copy. $\frac{1}{2}$ p. [C.O. 253, 1. No. 45.]

April 7.
London.

156. Lord Forbes to the Duke of Newcastle. The 76th article of Instruction usually given to the Governor of the Leeward Islands, requiring him to get an Act passed for punishing muteny and desertion *etc.*, I had the honor to acquaint your Grace that if a draft for such an act ware first prepared here, it would prevent any mistake *etc.* and save time *etc.* Encloses following based on the Act in use in England *etc.* Continues:—By the 34th Article the Governor is directed to make his ordinary residence at Antegua. Because that being the windwardmost island, the others may the esier be succored from thence in case of being attacked *etc.* This reason can only subsist in time of war *etc.* Begs to be allowed to make his ordinary residence at any of the islands he finds most for H.M. service, the benefit of the islands or his own health may require. Continues:—As I had the honour to mention to your Grace the verry bad way the troops in thos islands ware in for want of quarters and that I hoped the people might be brought to build barracks for them, if it were thought advisable to give me any Instructions to move it. And that I had been informed that ther was noe copper monys current in those islands but of ye coyne of frane from their neiboring islands, and as I proposed that H.M. might send a suffitient quonty of copper

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money for those islands from his owne mint by directing ten or 15 pr. centm. of the subsistence for the Regiment to be sent over in copper *etc.*, I presume just to mention them again *etc.*
Signed, Forbes. Holograph. 4 pp. Enclosed,

156. i. Draft of an Act for punishing mutiny and desertion, proposed for the Leeward Islands. *v. preceding.*
 18½ *pp.*

156. ii., iii. Alterations proposed in the 32nd and 34th Articles of Instructions *v. preceding.* 2 *pp.* [C.O. 152, 43. *ff.* 81-90, 91, 92, 93-94v.]

April 8.
 Whitehall.

157. Duke of Newcastle to the Council of Trade and Plantations. His Majesty having, in pursuance of the Treaty of Seville, nominated Mr. Keene, Mr. Stert and Mr. Goddard, his Commissarys to treat with those, who are, or shall be named by His Catholick Majesty, concerning such matters as, by the said Treaty, are refer'd to the examination, discussion and decision of Commissarys to be appointed for that purpose by his Majesty and by the King of Spain; I am to acquaint your Lordps. with H.M. pleasure, that you should give notice, in such manner as you shall think proper, to the merchants and others, who have any claims to be laid before the said Commissarys, that they should forthwith bring them to you, and the claimants ought to annex thereto the necessary proofs and vouchers to justify the same, which you will put into the hands of the said Commissarys from time to time as they shall be brought to you. His Majesty is also pleased to direct that you do forthwith draw up a representation of all such impositions and hardships, as have been put upon the trade of His Majty's. subjects in any of the King of Spain's dominions, to be delivered to the said Commissarys, whom you will also inform of the true extent and limits of H.M. possessions bordering upon those of the King of Spain in America; and it is His Majty's further pleasure that you give the said Commissarys, who are directed to advise and correspond with you, all the lights and informations you can, for the enabling them to execute the several matters to them refer'd by the said Treaty and the separate articles belonging to it *etc.* *Signed, Holles Newcastle. Endorsed, Reed. 8th, Read 9th April, 1730. 2 pp. Enclosed,*

157. i. Treaty of Peace *etc.* between Great Britain, France and Spain, concluded at Seville, 9th Nov., 1729 (N.S.) *Printed.* London, 1729. 15 *pp.* [C.O. 388, 89. *ff.* 1-2, 3-9v., 10v.]

April 9.
 Whitehall.

158. [? Duke of Newcastle] to Governor Hunter. H.M. having been graciously pleased to grant the office of Provost Marshal of Jamaica to Mr. Forbes who has been many years in my service, and for whom I have a particular regard, I must beg that you will be so good as to give him your assistance

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that he may enjoy the full benefit of that employment, in order to which you will be pleased to countenance Mr. Edmond Hyde, whom he has appointed his Deputy ; wch. I shall acknowledge as a particular obligation *etc.* *Signed*, Holles Newcastle. *Holograph*. 1 p. [C.O. 137, 53. f. 113 ; and draft, 137, 47. No. 15.]

April 9.
Virginia,
Wmsburgh.

159. Lt. Governor Gooch to the Council of Trade and Plantations. By the ship *Randolph* of London I have sent your Lordships herewith the duplicate of a letter which went in the ship *Braxton* in January last *etc.* I have received from the Treasury the warrant for £1000 signed by H.M. for defraying the expenses of running the line. And also a warrant for H.M. royal bounty obtained by your Lordships' representation of his sufferings ; for which I most humbly thank your Lordships, for £300. Since I am told by Mr. Perry that the merchants have no objections to the scheme I had the honour to send your Lordships for improving the trade of this country ; I shal do my endeavours, expecting great opposition the planters having been so long in a very wrong method, to gett the same pass'd into a law. And as I am clearly convinced that such a regulation ought to be established : yet, as I have had no instructions from your Lordshps. in answer to it, I hope your Lordships will pardon me if I proceed ; in the mean time explaining to your Lordships what I really mean thereby, and that no additional duty is laid upon the trade, as some people, I fear, have designedly as well as industriously propagated. My Lords the 2s. per hhd. which it is proposed the ships shall pay to the owners of the tobacco for every hhd. they receive on board will relieve them from the trouble and charge they are now at in fetching from the several plantations their cargoes, which cost them at the least 3s. to 5s. or 6s. pr. hhd. And the fee of 2s./6d. to the Inspectors is no more than what the merchants at present pay to their Receivers, men employed by them to go, to the several planters houses with whom they trade, and view and examine the tobacco they have purchased, by whose carelessness, to give it no worse a name, for I am told they frequently take money on both sides, they are often deceived. So that I propose, for the same money, they shall be better served. In a word my Lords, my design is to prevent the running of tobacco in Great Britain, which if we can compass H.M. Customs will be very considerably augmented *etc.* The House of Burgesses are to meet on the 21st of May. *Signed*, William Gooch. *Endorsed*, Recd. 3rd June, 1730, Read 12th May, 1731. *Holograph*. 1½ pp. [C.O. 5, 1322. ff. 146v.-147v., 148v. (with abstract)].

April 9.
Bermuda.

160. Lt. Governor Pitt to [? Mr. Popple]. Encloses following duplicates of petition *etc.* (transmitted by Barbados

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Oct. last), and asks for a speedy answer. *Signed*, John Pitt. *Endorsed*, Reed. (from Mr. Mitchell) 20th, Read 22nd July, 1730. $\frac{3}{4}$ p. *Enclosed*,

160. i., ii. Duplicates of Oct. 16, 1729, and encl. i.

160. iii. Petition of Lt. Governor, Council and Assembly of Bermuda to the King. Oct. 16, 1729. Several of your Majesties subjects here, who are chiefly supported by trading in their vessels among your Majesties Plantations in America, have been taken by the Spaniards and carried into Spanish ports, as the Havana, St. Domingo and others, their vessels and goods been seized and illegally detained (against the Law of Nations, we humbly conceive) the Masters and sailors exposed to extreme hardships, and the owners so great sufferers that the only remedy now left them, is at this distance to east themselves at your Majesties feet imploring relief *etc.* *Pray that* a small ship of war may be stationed there and that the Commander may advise with the Governor and Council, and that the Independent Company may be continued there, "they having upon all occasions exerted themselves when our coasts have been infested with privateers and pirates" *etc.* *Signed by*, John Pitt, 12 Councillors and 25 Assemblymen. *Same endorsement.* 3 pp. [C.O. 37, 12. ff. 55-57, 58v., 59, 60, 61].

April 9.
Bermuda.

161. Lt. Governor Pitt to Mr. Delafay. *Refers to* letters and petition of 16th Oct., 1729, and encloses duplicates. *Continues* :—Since which the Independent Company have embarked for Providence in a sloop employed by Capt. Rogers, which arrived in February last altho' H.M. order was dated in May, 1729, *etc.* *Prays him* to represent to the Duke of Newcastle the dangers to which the Colony is now exposed *etc.* *Signed*, John Pitt. *Endorsed*, R. 21. Copy sent to Mr. Keene, Aug. 24th, 1730. 1 p. [C.O. 37, 29. No. 12].

April 10.
St. James's.

162. Order of King in Council. Approving draught of a Seal for N. Carolina *etc.* *Printed*, N.C. Col. Rec. III. 79. *Signed*, Ja. Vernon. *Endorsed*, Reed. 30th May, Read 4th June, 1730. $1\frac{1}{4}$ pp. [C.O. 5, 293. ff. 15, 15v., 16v.].

April 10.
Whitehall.

163. Council of Trade and Plantations to Governor Worsley. *Acknowledge* letters *etc.* of 27th Sept., 6th Nov. and 1st Dec., and *acquaint* him that they have sent two acts to Mr. Fane *etc.* (v. 20th Feb.), and will take them into consideration so soon as they know his opinion *etc.* Have recommended Mr. Maxwell for the Council *etc.* (3rd March). *Continue* :—In your letter of 1st Dec. last you acquaint us with the difficulties you labour

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under with respect to the collecting the mony to be raised by virtue of the Act for supporting the honour and dignity of the Government, and we suppose you have directed your Agent to take proper advice upon this subject. We have considered the copies of the reports of three of the Council at law in Barbados, upon some doubts relating to the Act for *reducing intrest etc.*, and we find they do not absolutely disagree with us in the doubts we raised upon that act altho' Mr. Blenman thinks that the rule is to construe statutes according to ye intent of the law-makers; But as we are more inclined to believe, that the intention of the law-makers can never be brought in competition with the express letter of ye law, we think you had better endeavour to get an explanatory law passed, which will for the future prevent the possibility of any disputes upon this subject. [C.O. 29, 15. pp. 133, 134].

[April 10.] **164.** John Clarke to Governor Osborn. I have lately
Christchurch. received a letter from some Justices, Bonavista, who desire me to acquaint you that their Commissions and Instructions give them no directions about hearing matters of right and property or recovery of debt, for want of which all such complaints remain undetermined *etc.* *Asks for directions etc.* Signed, Jno. Clarke. *Endorsed*, Recd. (from Capt. Osborn), Read 10th April, 1730. *Postmark* (X Church). *Addressed*. 1 p. [C.O. 194, 8. ff. 285, 286, 286v.].

[April 10.] **165.** Henry Jones and John Henning to Governor Osborn. Bonavista. 8th Dec., 1729. As newly appointed Justices, not learned in the Law, ask for instruction as to their powers *etc.*, as in preceding. Signed, Henry Jones, John Henning. *Endorsed as preceding*. *Addressed*. *Sealed*. 1 p. [C.O. 194, 8. ff. 287, 288v.].

[April 10.] **166.** Petition of Simon Fabian to the Council of Trade and Plantations. Petitioner's late brother Joseph purchased a plantation in Newfoundland from Capt. Taverner, and left it in trust to petitioner for the use of his children. Taverner endeavoured to dispossess them. Upon a hearing before your Lordships, Jan. 1723, Capt. Taverner declined any further pretention to it, but last summer, by false suggestions to Lord Vere Beauclerk, he surreptitiously obtained a stoppage of the rent from petitioner's tenants. *Prays that* his case may be explained to Lord Vere, who is going Commodore again this year *etc.* *Endorsed*, Recd., Read April 10th, 1730. 1 p. [C.O. 194, 8. ff. 289, 290v.].

April 10. **167.** Order of King in Council. Appointing R. Dinwiddie
St. James's. to the Council of Bermuda *etc.* v. 17th March. Signed, Ja. Vernon. *Endorsed*, Recd. 30th May, Read 4th June, 1730. 1 p. [C.O. 37, 12. ff. 39, 44v.].

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April 11.

168. Lords Proprietors of the Bahama Islands to Col. Bladen. Mr. Shelton informs us that you have signified to him H.M. pleasure of accepting of a surrender from us *etc.*, and that it was necessary we should fix the lowest price we expected for that surrender *etc.* We hope it will be thought reasonable to give to each of us 1000 guineas clear of all fees and expences, for less than that summe we are unwilling to accept, which would be no more than 6000 guineas for the purchase of all the islands, but in this surrender we reserve to ourselves the arrears of rent that shall at the time of our surrender be due from the lessees or assignes of our lease, *etc.* *Signed*, Berkeley, Beaufort, Craven, J. Colleton, Robt. Abdy as one of the executors and devisees of Sir John Tyrrell decd. *Endorsed*, Reed., Read 27th May, 1730. 1 p. [C.O. 23, 2. ff. 213, 214b.]

April 15.

Whitehall.

169. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before H.M. *Autograph signatures*. 1 p. *Enclosed*,

169. i. Address of the President and Council of S. Carolina to the King. *Return thanks* for the purchase of the soil of the Colony by the Crown, so long desired, and *express* loyalty and determination to maintain the Royal prerogative *etc.* Charles Town. 9th Feb., 1729. *Signed*, Ar. Middleton, P.; A. Skene, B. Schenkingh, Benja. De la Conseillere, R. A. Izard, Wm. Bull, Fra. Yonge, Char. Hart. 1 p. [C.O. 5, 383. Nos. 43, 43.i.; and (without enclosure) 5, 400. p. 276.]

April 15.

St. James's.

170. H.M. Warrant appointing Wm. Tailer Lt. Govr. of the Massachusetts Bay in the room of Wm. Dummer. *Counter-signed*, Holles Newcastle. *Copy*. [C.O. 324, 36. pp. 211, 212; and 324, 50. pp. 56, 57.]

April 15.

Whitehall.

171. Order of Committee of Council. Referring following to the Council of Trade and Plantations for their report. *Printed*, A.P.C. III. *Signed*, W. Cary. No. 208. *Endorsed*, Reed. 20th, Read 21st April, 1730. 1½ pp. *Enclosed*,

171. i. Petition of Jonathan Belcher and Jeremiah Dummer, on behalf of H.M. Colony of Connecticut to the King in Council. The annulling the Act of Connecticut for the settlement of intestates' estates on the appeal of John Winthrop (v. A.P.C. III. No. 112), without substituting some provision in lieu thereof would introduce the greatest confusion and occasion a total alteration in the property of the people there, sett the nearest relations into litigious contests and impoverish the Colony by endless law suits. The order for repeal being made in a private case on an

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appeal, the Colony had no opportunity of being heard in support of the said act *etc.* But as soon as they were informed thereof, they appointed petitioners *etc.* to represent, that the custom of dividing intestates' estates equally among the children, the eldest son having a double share, was originally introduced into the Province as what would most contribute to the settlement of the country, which was then a large tract of uncultivated land possessed by savage Indians with whom they had perpetual warrs, and continued as highly reasonable in itself especially with regard to the circumstances and nature of estates in this Province, great part of which are still uncleared and but a small part of it thoroughly subdued and the inhabitants have hardly any other way of supporting themselves but by tilling and subduing the earth and the whole strength of the people is employed in clearing and tilling the wilds of that Province in which the younger sons are at least equally laborious and in which they engage with the greatest chearfulness as being well assured they should reap a proportionable benefitt whether the estate went according to the law of the province or according to the will of the ancestor, for *etc. such as* have made wills have universally divided their real estates amongst their children in the proportions abovementioned. The same custom also prevailed in the next province of the Massachusetts, who likewise enacted their custom into a law which the Crown afterwards thought proper to confirm *etc.* If the whole go to the eldest son, the lands will remain unsubdued and the younger sons must quit Connecticutt *etc.*, the rents of the lands in New England being so very small that few of the inhabitants could subsist their familys with the rents of their lands much less to give portions to their daughters *etc.* *Pray H.M.* by an Order in Council to confirm to the inhabitants the estates they now hold under the said distribution of intestates' real estates and enable them to divide them in the same manner for the future, with a saving clause as to John Winthrop *etc.*, the particular circumstances of his case differing from most others in the Colony *etc.* *Signed,* Jona. Belcher, Jer. Dummer. 6½ pp. [C.O. 5, 1267. ff. 110–114, 115v.]

April 15.
Whitehall.

172. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, four Acts of Pennsylvania, 1727, (i) *A supplementary Act to the Act for ascertaining the number of members of Assembly, and to regulate elections.* (ii) *for establishing ferries at*

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Philadelphia etc. (iii) *establishing Courts of judicature.* (iv) *A supplementary Act to the Act for taking lands in execution for the payment of debts.* [C.O. 5, 1294. p. 8.]

April 15. **173.** Mr. Popple to Mr. Oxenford. My Lords Commrs.
Whitehall. desire you will send them an account as soon as possibly you can, of the quantity of sugar imported from the Leeward Islands for the last seven years, that you can compleat, distinguishing each year and each island. [C.O. 153, 15. p. 50].

April 15. **174.** Memorial of loss and damage (£3487 1s. 9d. sterl.)
London. sustained by John Sadleir, Thomas Thomas, and Samuel Baker of London, merchants, owners of the *Prophet Samuel* taken with a loading of fish from Newfoundland for Leghorn by a Spanish privateer, 23rd Nov., 1718. *Signed*, Jno. Sadleir, Tho. Thomas and Sons, Sam. Baker. 3 pp. *Enclosed*,

174. i.-v. Papers relating to foregoing. *English, French and Spanish.* Copies. 9 pp. [C.O. 388, 93. Nos. 17, 17 i.-v.]

April 15. **175.** Order of Committee of Privy Council. Referring
Whitehall. following to the Council of Trade and Plantations to examine into the facts and report upon. *Signed*, W. Cary. *Endorsed*, Recd. 25th April, Read 19th June, 1730. 1½ pp. *Enclosed*,

175. i. Petition of Samuel Waldoe of Boston merchant to the King in Council, on behalf of Elisha Cooke, Nathaniel Hubbard, Esqrs., Hannah Davis and Rebecca Lloyd widows, Nathaniel Byfield, Esqr., and Sarah his wife, late Sarah Leveret, John Bradford, Spencer Phipps, Jahleel Brenton, John Clarke, Samuel Brown, John Fitch, Adam Winthrop, Samuel Thaxter, Oliver Noyes, Stephen Mynot, Anthony Stoddard and Thomas Westbrook Esqrs., Thomas Smith, John Smith, Nathaniel Appleton, Thomas Fairweather, Henry Franklyn, Gilbert Bant, Benjamin Brousdon, William Clarke, John Oulton, Jonathan Waldo, Cornelius Waldo and John Jeffries merchants, Knight Leverett, Nathaniel Rogers and Mary his wife, Job Lewis, James Bowdoin, John Watson, James Green merchts., Benjamin Allen and Thomas Payne clerks of John King, all of New England in America. *Abstract.* The Council of Plymouth did grant unto John Beauchamp and Thomas Leverett the lands in New England *etc.* between Muscongus and Penobscot river *etc.* (*described*). Under this grant they made very considerable settlements and improvements, but these were destroyed in the Indian war which broke out in 1675, and rendered settlement impossible till the Treaty of Utrecht. Upon the decease of Leveret,

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who had survived Beauchamp, said lands became vested in his son, John Leveret, to whom petitioner Mary Rogers is heir at law. Governor Sir William Phipps, not knowing it is presumed of John Leverett's right, treated with Madakowando, Chief Sachem of the Penobscott Indians, who granted him said lands for a valuable consideration 1691, by a deed afterwards confirmed, 10th May 1694, by Madakowando before two members of the Council of Massachusetts Province, and has been since acknowledged by the Chief Sachems of the Indians and their tribes, particularly so lately as 4th Aug., 1726. After the peace of Utrecht and that with the Eastern Indians, John Leveret agreed with several gentlemen of substance to join with him in resettling the said land, and to remove all possible obstruction, agreed with Spencer Phipps, adopted son and heir of Sir W. Phipps, and purchased his interest in said premisses, as witness his deed poll endorsed on the Indian purchase deed, 13th Aug., 1719. John Leveret then entered into deeds of association with petitioners *named above* (Aug. 14 and 15), in the said land, the whole to be divided into thirty equal parts, to be holden by them as tenants in common, with covenants each obliging the other to procure people to plant and inhabit two towns of 80 families upon St. Georges River and erect two saw mills *etc.* The rest of petitioners have since purchased several parts of shares from the other petitioners. They immediately began making the settlements, and soon after agreed to have as much land broke up and cultivated as would accommodate two more towns of 80 families each, and the houses for their reception to be made comfortable, "and to bring forwards the said intended settlements, they built two strong large block-houses with a covered way from them to the waterside to secure the men from the incursions and injuries of the Indians who daily resorted there in great numbers, and oftentimes threatened those employed in building and clearing the land who used severall stratagems to get them from off those lands." Petitioners also built a double saw mill to facilitate the settlements and bought a sloop, and hired men to transport people and their effects, besides severall other sloops employed by them in the said undertaking, and had for above twelve months a captain and twenty soldiers whom they paid and subsisted in the blockhouses, who were provided with great and small artillery *etc.* at the sole charge of the Association *etc.* In June 1721, 200

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French Indians surprized took and burnt one of petitioners' sloops and killed one of their men and took six captive, and next day attacked the block-houses with fire-arms for several hours, and used several devices to have burnt them, but were defeated by the courage of the men employed by petitioners, who, in spite of the great losses inflicted on them, still maintained the two blockhouses with warlike stores and provisions for several months afterwards, although the Government of the Massachusetts had proclaimed war with these Indians and the other Eastern tribes. Petitioners "being by this war incapacitated from pursuing the settlements they had so successfully begun, were obliged to desist therefrom, but they yet held the two blockhouses and defended the same against the seige by the Indians for twelve days and killed 20 of the enemy, and apprehending the same might be of great service to the Massachusetts Governmt. in carrying on the war, they made a tender of them to the Government during the war and untill petitioners should have occasion to use them for the purpose at first designed, which offer the Government accepted, and to whom they proved of great service in the war, and were the sole means of keeping that part of the country from falling into the hands of the Indians, and have ever since continued under the protection of the Government, and since the war ended a truckhouse is erected in the blockhouses, which are used as magazines for Indian goods" *etc.* After war, petitioners resolved to go on with their settlements, and for that purpose obtained a letter from Governor Shute to the chief of the Penobscot Indians to facilitate their finishing their settlements. But soon afterwards another war broke out with those Indians which prevented petitioners further proceeding in their intended settlements. But a peace being again concluded some short time before Mr. Burnett's coming to that Government, petitioners obtained a like letter from him as they had done from Governor Shute, and were going on to improve those lands with all possible vigour, and had actually got a Minister and 120 families ready to go and settle one of the intended towns, but to their great surprize disappointment and loss, have met with an interruption herein from David Dunbar Surveyor General of H.M. Woods, who on being waited on by petitioners hath forbid them from going on with the said settlements on any other terms but their taking grants from him in the

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same manner as if they had not already any title thereto. Upon which petitioners informed him that they would lay before your Majesty the matters aforesaid, and he promised not to intermeddle with the said lands till your Majesty's pleasure should be known. *Pray that orders be sent to Col. Dunbar not to intermeddle with said tract of land etc. Signed, S. Waldo. Copy. 17½ pp. [C.O. 5, 871. ff. 120-129v., 131v.]*

April 16. **176.** Account of sugar imported into England from the Custom House. Leeward Islands yearly from Christmas 1721-1728. *Antigua*, cwt. 80,067. 0. 9 ; 149,361. 1. 6 ; 119,367. 2. 8. ; 149,421. 2. 5. ; 67,678. 0. 22. ; 96,112. 0. 25. *Average*, 121,324. *Mountserrat*, 28,872. 2. 15. ; 30,900. 0. 4. ; 18,455. 0. 20. ; 29,889. 3. 27. ; 26,047. 1. 7. ; 32,689. 3. 19. ; 50,635. 3. 7. *Average*, 31,070. *Nevis*, 58,724. 1. 8. ; 56,489. 0. 18. ; 52,939. 0. 1. ; 59,402. 2. 18. ; 25,856. 1. 18. ; 30,233. 2. 22. ; 50,293. 3. 9. *Average*, 47,701. *St. Christophers*, 114,035. 1. 6. ; 122,101. 1. 27. ; 95,495. 2. 5. ; 128,746. 3. 26. ; 127,168. 1. 16. ; 141,366. 1. 10. ; 165,642. 2. 7. *Average*, 127,793. *Average total*, 327,893. 1. 15. (The averages worked out in pencil on enclosed slip). *Signed*, John Oxenford, A.I.G. *Endorsed*, Recd. 17th, Read 23rd April, 1730. 1⅓ pp. [C.O. 152, 17. ff. 129, 130, 131v.]

April 17. **177.** Extract of letter from Lord Harrington and Mr. Paris. Poyntz to the Duke of Newcastle. We have put into the Garde des Sceaux's hands, a translation of the paper transmitted by the Lords of the Admiralty in their letter to your Grace of the 7th, as also of that part of your Grace's letter of 26th, wch. relates to Dunkirk and Sta. Lucia to which he has promised us answers very soon. *Copy. ½ p. [C.O. 253, 1. No. 46.]*

April 17. **178.** Thomas Lowndes to the Council of Trade and Plantations. Two or three years ago there passed in S. Carolina an Act declaring all process to be void, that was not personally served upon the party, by the Provost Marshall or his Deputy, which Act makes the execution of common Justice, not only difficult but impracticable ; and is very prejudicial to the commerce of Great Britain. For no merchant will now furnish any commoditys to a Planter, that lives at any distance from Charles Town, because he cannot be compelled to be just, and the Planter is thereby forced to go upon such manufactures, as interfere with those of Great Britain. This evil will be of very bad consequence if not speedily redressed, by reauthorizing the summons Act or *otherwise etc.* There wants in S. Carolina a suitable publick provision for indigent criminels, it being equally inhuman that those poor wretches should perish through want of common sustenance, as it is unreasonable that the

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Provost Marshall should subsist them at his own proper charge. *Endorsed*, Reed. 17th, Read 21st April, 1730. 1 large p. [C.O. 5, 361. ff. 92, 92v.]

[April 17]. **179.** Commodore Lord Vere Beauclerk and Governor Osborn to the Council of Trade and Plantations. *Queries* :— If upon our return, we should find any of the inhabitants have disobeyed the order for a levy (*v.* C.S.P. 14th Oct., 1729), in what manner may they be legally punished? (ii) If any have ill-treated the Justices and Constables, or destroyed the stocks or whipping-posts that were erected, may we not legally oblige them to make good again and punish them corporally besides? (iii) Can the Justices of the Peace, in the absence of the Admirals, decide differences relating to property, or is their power restrained to the maintaining of peace and quietness only? (iv) Has Captain Osborne power by his Commission to raise any tax the Justices of the Peace shall propose to him, for repairing the Church, the prison or any other publick work? *No signature. In Lord Vere's hand. Endorsed*, Reed. (from Lord Vere and Capt. Osborn), Read 17th April, 1730. 2 pp. [C.O. 194, 8. ff. 291, 291v., 292v.]

April 17. **180.** Mr. Popple to Mr. Fane. Encloses copies of Governor Whitehall. Osborn's queries (preceding), of his Commission and of that given by him to the Justices for his opinion thereon. [C.O. 195, 7. pp. 246, 246a].

April 17. **181.** Mr. Popple to Mr. Attorney General. *As preceding.* Whitehall. Requests answer on Friday morning, the ships being ready to sail *etc.* [C.O. 195, 7. p. 246a.].

April 18. **182.** John Burrridge to the Council of Trade and Plantations. Lyme. Observing by the *Gazette* that claims for seizures by the Spaniards are to be laid before the Board, enquires as to what course he should pursue in relation to proofs in the case of the ship *Satisfaction* loaden with fish from Newfoundland bound for Oporto, but by bad weather forced into Vigo, and there seized by the Spaniards in 1718, before the war was declared, the fish sold and the fish burned. This affair with divers other losses sustained by the merchants of London were recommended by Lord Carteret in 1723 to Col. Stanhope at Madrid to demand satisfaction according to the 7th article of the treaty of commerce at Utrecht, 1721, but none has been obtained *etc.*, when he sent the papers and affidavits in the case to the Consul at Corunna *etc.* *Signed*, John Burrridge. *Endorsed*, Reed., Read 28th April, 1730. *Addressed. Sealed.* 1½ pp. [C.O. 388, 89. ff. 27, 27v., 28v.]

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April 20. **183.** Order of King in Council. Approving Additional Instructions to Governor Philipps and Col. Dunbar relating to the settlement of Irish and Palatines in Nova Scotia. *Signed*, Ja. Vernon. *Endorsed*, Recd. 30th May, Read 4th June, 1730. 1 p. [C.O. 217, 5. ff. 199, 200v.; and (signed, W. Cary) 5, 192. f. 473].

April 20. **184.** Order of King in Council. Upon a memorial from the St. James's. Lords Commissioners of the Admiralty, that they have received several complaints from the Judges and other officers of the Vice-Admiralty Courts at H.M. foreign islands and Plantations of the interruptions they have met with in the execution of their employments from the Provincial Judges, who have issued divers prohibitions against their proceedings in matters properly depending before, and cognizable in the aforesaid Courts of Vice-Admiralty, whereby the course of justice hath been very much obstructed by the interfering of the jurisdictions of the common law, and that of the Admiralty, and H.M. subjects in those parts have suffered great hardships *etc.* Ordered that the Lords Commissioners for Trade and Plantations do prepare draughts of Instructions to all H.M. Governors in America requiring them to use their best endeavours in assisting the Officers of the Vice-Admiralty Courts within their Governments in the legal execution of their respective employments in all matters, that may properly and judicially come under their cognizance. *Signed*, W. Cary. *Endorsed*, Recd. 25th, Read 30th April, 1730. 2 pp. [C.O. 323, 9. ff. 35, 35v., 36v.].

April 20.
St. James's.

185. Order of King in Council. Approving draughts of Instructions to Governors in America to support the Bishop of London and his Commissaries in the exercise of the ecclesiastical jurisdiction granted to them *etc.* *Signed*, Ja. Vernon. *Endorsed*, Recd. 30th May, Read 4th June, 1730. 1½ pp. [C.O. 323, 9. ff. 42, 42v., 45v.].

April 21.
Whitehall.

186. Mr. Popple to Mr. Attorney and Mr. Solicitor General. Encloses copy of Charter of Connecticut. *Continues* :—My Lords Commissioners desire your opinion in point of law, whether the said Colony have thereby any power vested in them of making laws which affect property; or whether that power is not confin'd to the making of by-laws only? *and* whether if they have not the power of making laws affecting property, they have not forfeited their Charter, by passing such laws. [C.O. 5, 1294. p. 9].

April 23.
Barbados.

187. Governor Worsley to the Duke of Newcastle. Immediately on receipt of his Grace's letter he communicated it to the Council and ordered the publication of the King's order for the cessation of hostilities and restitution of prizes

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to the subjects of Spain to be published in the several towns and churches *etc.* *Continues* :—I know as yet of no one ship that the Spaniards have taken belonging to this Island, that is within the time of the restitution ; the *Dolphin* Jasper Morris master loaden with sugar bound for London was taken the $\frac{10}{21}$ June, 1728. I shall be religiously observant of H.M. commands to me upon this head and shall on my part punctually comply with the obligations of the Treaties *etc.*

In my letter of 29th March *etc.* I had the honour of advising you that I could not certainly know, whether the Assembly and Vestry-men would this year pay due obedience to the law, for raising a levy to H.M. of 2s. 6d. pr. head on negroes *etc.*, in that they were not obliged to make their returns till the 20th inst. ; on the 16th instant most of the Assembly-men made their returns of the persons, who had given in to them the number of their negroes *etc.*, but five only of the Assembly return'd a list of those, who neglected to give them in ; for as the law lays a penalty of £50 on every Assembly-man who does not take in the lists of persons, negroes *etc.* in their respective parishes, so they were under a penalty of £50 if they did not by the 20th instant return a list of those, who gave them in, as also of those, who neglected to give them in, and as last year they were levyed on for both these penalties, tho' by the Treasurer's accounts I don't find they have yet paid it, they will this year be liable to pay but one of these penalties ; and thus they propose to save the inhabitants of their parishes their tax in order to keep up their interest, for their cry is the good of their country ; as if they are not obliged by the law to give in these lists even after the 20th instant, the penalty being only to quicken their diligence, for the law does not excuse them from giving in their lists afterwards, tho' they should be levyed upon for their penalties. Nor can the inhabitants be excused paying, because the Assemblymen do not return them as delinquents *etc.* *Quotes* clause x. of the Act *for the support of the Government etc.* *Continues* :—By the enclosed lists your Grace will see how few have given in the number of their negroes *etc.* which has been occasioned by the inhabitants not being obliged to pay double, who did not pay last year ; and many more would have given in, if the Assemblymen had publickly appointed a place, where they would daily attend to take them in, as was always usual till the last year, and this, but instead of this, many of them (as I am informed) declared they would not return the lists of the defaulters, and thus they discouraged the people from giving in. The five Assemblymen *etc. abovementioned* are threatned to be turned out at the ensuing election *etc.* The Vestry of St. Michael's parish have behaved in a most extraordinary manner this year, they met as the law directs to apportion upon the inhabitants of the town £1800, and £350 upon the Jews ; they laid both,

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but when they were going to sign it, the apportionment was lost, and they would not make a Vestry afterwards, in order to return it. The Minister of the Parish, Mr. Johnson, Mr. Harrison and Mr. Shurland attended constantly their duty, and design to justify upon their voluntary oath before a Justice of Peace their innocence, and conduct. *Signed*, Henry Worsley. *Endorsed*, R. June 25th. 5 pp. *Enclosed*,

187. i.-iii. Duplicates of March 29 encl. i.-iii.

187. iv. List of persons who gave in the number of their negroes to their several Assemblymen for 1730, as they were given to William Terrill Esqr., Chairman of the Committee of Publick accounts, 18th April, 1730. With numbers of negroes. 6 $\frac{2}{3}$ pp.

187. v. Duplicate of No. iv.

187. vi. A List of numbers of those who paid and did not pay the poll-tax on negroes for 1729, computed from those who paid in 1728. Paid, 689; Not paid, 2719. 1 p.

187. vii. Number of persons who have given in lists of their negroes for 1730, 120; Persons who ought to have been returned as defaulters, 3,331. Assemblymen who returned lists of defaulters;—Francis Vaughan, Richard Ryeroft, George Barry, Michael Cornor, John Jones. 1 p.

187. viii. Duplicate of No. vi.

187. ix. Duplicate of No. vii. (numbers wrongly added).

187. x. Attorney General's opinion upon queries put to him by the Treasurer as to enforcement of penalties against defaulters under the Act *for the support of Government etc.* April 23, 1730. *Signed*, J. Blenman. 1 $\frac{3}{4}$ pp. [C.O. 28, 45. ff. 97v., 98, 99v., 100, 101v., 102, 103-105, 106v.-118, 119, 119v.].

April 23.
Barbados.

188. Governor Worsley to the Council of Trade and Plantations. Duplicate, *mutatis mutandis*, of preceding covering letter from 2nd paragraph. *Signed*, Henry Worsley. *Endorsed*, Reed. 11th June, Read 15th Oct., 1730. 5 pp. *Enclosed*,

188. i. Duplicate of encl. x. preceding.

188. ii. Account of money received (£1866 1s. 8d.) on the 2s. 6d. levy for year ending Sept. 30, 1729. *Signed*, George Plaxton, Treasr. *Endorsed*, Reed. 11th June, 1730. *Copy*. 2 pp.

188. iii.-vi. Duplicates of encl. i. vi., vii. preceding. *Endorsed as preceding*. [C.O. 28, 21. ff. 96-98, 100, 100v., 101v.-102v., 104-107v., 108v.-109v.].

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April 24.
Whitehall.

189. Council of Trade and Plantations to Governor Montgomerie. In reply to letter of 2nd Aug. have not altered their opinion with regard to the New Jersey Act, 1728, for appropriating of the interest money to the incident charges of the Government *etc.* He is therefore to put the Act of 1723 into execution according to its original intention. Unless they hear by the first return that the Assembly agree to repeal the last clause of the Act *for appropriating part of the interest money etc.* (v. July 9, 1729 *etc.*) they will certainly offer it for H.M. disallowance *etc.* Hope that he will hold Courts of Chancery according to his Instructions. They think he has been somewhat remiss in his correspondence, not having heard from him since November. Require him to send frequent reports, the public papers constantly, and full answers to their circular queries. *Printed*, N. J. Archives, 1st Ser. V. 266. [C.O. 5, 996. pp. 262-265].

April 24.
Admiralty
Office.

190. Mr. Burchett to Mr. Popple. Requests that all convenient dispatch may be made with Heads of Enquiry for the Captains of ships for Newfoundland *etc.* *Signed*, J. Burchett. *Endorsed*, Recd. 24th, Read 28th April, 1730. *Addressed*. 1 p. [C.O. 194, 8. ff. 293, 294v.]

April 24.
Whitehall.

191. Council of Trade and Plantations to Governor Rogers. Having received your letters of 12th Nov. last from New Providence, we congratulate you, upon your safe arrival there, and do not doubt of your improving the good disposition which you say the inhabitants of the islands under your Government are in, upon H.M. having been graciously pleased to empower you to call an Assembly. We shall expect the acts passed by them, by the first opportunity, upon which we shall represent our opinion to H.M.; and we hope with you, that your next letters will bring us a better account of the health of the King's subjects under your Government with a good prospect of an improving settlement. We presume you will always lay hold of the first opportunity to transmit to us the publick papers required by your Instructions, as also full and satisfactory answers to our circular queries. In the mean time we hope that the increase of your inhabitants does not come from H.M. other islands, who would be as much prejudiced as the Bahamas will be advantaged by the change. [C.O. 24, 1. pp. 189, 190.]

April 25.

192. Francis Elde to [? Governor Burrington]. *Recommends* Mr. Smith, a barrister at law for two years, for the post he seeks. *Signed*, Fran. Elde. $\frac{3}{4}$ p. [C.O. 5, 308. No. 7.]

April 26.

193. Mr. Fane to the Council of Trade and Plantations. *Reply to 17th April.* (i) The Justices of the Peace have a power of raising money upon the inhabitants for building a

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goal subject to the method prescribed by the statute of 11 and 12 Wm. *etc.* (*cf.* No. 196.) *Continues* :—This method ought to have been pursued by the Justices of Newfoundland if it had been possible. But I must submit it to your Lordships, supposing it has not been strictly pursued, as the assessment of fish was equally laid; as the people have submitted to it, as no other way could be thought on for raising this tax, and as H.M. Commission will be intirely ineffectual unless a goal is built; whether any inconvenience can arise if upon refusal of any of the persons assessed, the method laid down by the statute of Wm. III. was followed to compel them to a compliance with it. (ii–iv) To same effect as Attorney General in No. 196. *Concludes* :—Whether Justices here have power to levy a tax for repairing churches in my humble apprehension is a little doubtful, and therefore I would not advise Capt. Osborne without further powers to attempt it. *Signed*, Fran. Fane. *Endorsed*, Recd. 30th April, Read 1st May, 1730. 1 $\frac{3}{4}$ pp. *Enclosed*, 193. i.–iii. Duplicates of encl. i.–iii. following. [*C.O.* 194, 8. ff. 307, 307v., 308v., 309, 310–313, 314–317v., 318v.]

April 27. **194.** H.M. Warrant to John Rollos for engraving a seal in silver for North Carolina, representing on one side Liberty introducing Plenty to Us with this motto, *Quæ sera tamen respexit*, with this inscription round the circumference, *Sigillum Provinciæ Nostræ Carolinæ Septentrionalis*; and on the other side Our Royal arms, crown, garter, supporters and motto, with this inscription round the circumference, *Georgius Secundus etc.* *Countersigned*, Holles Newcastle. *Copy.* [*C.O.* 324, 36. p. 215.]

April 27. **195.** H.M. Warrant appointing Robert Dinwiddie to the Council of Bermuda in the room of Daniel Tucker deed. *Countersigned*, Holles Newcastle. *Copy.* [*C.O.* 324, 36. p. 216.]

April 27. **196.** Mr. Attorney General to the Council of Trade and Plantations. *Reply to April 17th.* (i) I do conceive that the Justices of the Peace had not sufficient authority to raise money for building a prison, by laying a tax upon fish or fishing boats, because the Act *for encouraging the trade to Newfoundland* directs that it shall be a free trade. The power of the Justices in England for building of goals depends upon the statute of 11 and 12 Wm. III. ch. 19, by which they are enabled to make an assessment for that purpose upon the severall divisions of their respective Counties after a presentment made by the Grand Jury at the Assizes, Great Sessions or General Goal Delivery. As the Justices of the Peace in Newfoundland are

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by their Commissions to act according to the laws of England, I apprehend they ought to have pursued this Act of Parliament as near as the circumstances of the case would admit, and to have laid the tax, after a presentment by some Grand Jury, upon the inhabitants, and not upon fish or fishing boats. So far as the people have submitted to this tax there may be no occasion to call it in question, but I cannot advise the taking of rigorous methods to compel a compliance with it. (ii) Persons guilty of assaulting Justices or Constables, or of resistance to their authority, may be indicted for such offences at the Quarter Sessions and punished by fine or imprisonment, but for contemptuous words spoken of the Justices or their authority, they can only be bound to their good behaviour. Offences by destroying the stocks or whipping posts are indictable and may be punished by imprisonment or fine, or partly by the one and partly by the other, and H.M. may direct the fines to be applied to make good such stocks *etc.* (iii) I am of opinion that the Justices cannot decide differences relating to property, and that their power is restrained to the criminal matters mentioned in their Commissions. (iv) Neither Capt. Osborn nor the Justices have power to raise any tax for repairing churches or any publick works, except such works for which power is given to Justices of the Peace in England to levy money by particular Acts of Parliament (*v. No. i.*). Capt. Osborn's Instructions not having been laid before me I cannot judge what powers are thereby given to him, but I presume that no power is comprized in those Instructions of imposing taxes in generall without the consent of some Assembly of the people. *Signed, P. Yorke. Endorsed, Recd. 28th April, Read 1st May, 1730. 3 pp. Enclosed,*

196. i. Copy of Queries April 17th.

196. ii. Copy of Governor Osborn's Commission (*v. C.S.P. May 14th, 1729.*)

196. iii. Copy of Commission to Justices of the Peace in Newfoundland given by Governor Osborn. (*v. C.S.P. 14th Oct., 1729.*) [*C.O. 194, 8. ff. 295-296, 297, 298-305v., 306v.*]

April 27.
St. James's.

197. H.M. Additional Instructions to Governor Phillips. You are to give assistance to David Dunbar in his laying out lands for Protestant Irish families now settled in Maine and Protestant families from the Palatinate. After Mr. Dunbar has laid out the 200,000 acres to be reserved for H.M. Navy, he is to set out another 100,000 acres between the Rivers Penobscot and St. Croix. You are then to grant to the said Palatines lands *upon the following conditions*:—For every 40 families 100,000 acres or 12 miles square, which shall be erected into a particular parish, district and township. Within each of these districts, you are to set apart a particular place for

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building a town, to consist of 100 dwelling houses *etc.*, and to each of these houses shall be annexed a town lot of 40 acres *etc.* To every family settling there, you shall grant one of the said town lots and 100 acres or more of land in proportion to their number and ability. The lands remaining within the said districts are to be granted either to such inhabitants as shall be disposed to settle there, or to the ancient inhabitants, as their circumstances and industry shall render them capable of cultivating larger tracts than were originally granted to them, provided that no one person do possess a larger tract than 1000 acres in his own name or in any others. A competent quantity of land is to be allotted in each district for the maintenance of a Minister and a schoolmaster *etc.* One penny per acre on grants either East or West of St. Croix to be reserved to H.M. for quit rent, after the first three years, a power being likewise reserved to H.M. to levy a further sum not exceeding 1d. pr. acre annually for and towards the necessary charge and support of our Government there, as occasion may require. And as we do hold it to be for Our service and for the security of such of Our subjects as shall be disposed to become planters, that they should be settled in townships or districts, that they may the better be able to defend and assist each other, as well against savage Indians, as against any other enemy that may at any time attack them; you are hereby directed to make all settlements in the like manner as above directed *etc.* In all other matters you are to govern yourself by Our former Instructions *etc.* especially as regards the Fishery *etc.* You are to furnish Col. Dunbar with soldiers necessary to protect him whilst setting out woods for the use of the Royal Navy *etc.* Signed, G.R. Copy. [C.O. 5, 192. pp. 477-483].

April 27. **198.** H.M. Additional Instructions to David Dunbar, St. James's. Surveyor General of the Woods in America. *To lay out lands as directed in preceding.* Cf. March 25. Signed, G.R. Copy. [C.O. 5, 192. pp. 485-490].

April 27. **199.** Mr. Willard to Mr. Popple. Encloses Journal of Boston. Assembly and acts of session 19th Nov., 1729, and Minutes of Council to end of Feb. 1729, and Treasurer's accounts. Signed, Josiah Willard. Endorsed, Recd. 5th June, 1730, Read 9th June, 1731. 1 p. Enclosed,

199. i. Accompts of Jeremiah Allen, Treasurer and Receiver General of H.M. Revenue in the Massachusetts Bay, 31st May 1728-1729. Totals, expenditure and receipts, £166,234 3s. 3d. Signed, Jer. Allen. Endorsed, Recd. 5th June, 1730. 28½ pp. [C.O. 5, 872. ff. 126, 127v., 129-143, 145v.].

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April 28.
Whitehall.

200. Duke of Newcastle to the Council of Trade and Plantations. Encloses following for their report. *Signed*, Holles Newcastle. *Endorsed*, Recd. 28th, Read 29th April, 1730. 1 p. *Enclosed*,

200. i. Edmond Porter to the Duke of Newcastle. N. Carolina, Albermarle, 22nd Dec., 1729. *Abstract*. Refers to memorial of 15th June. Now that Governor Sir Richard Everard know that the country is under the Crown, he has broken through his intention not to grant any more lands till H.M. pleasure be known, and now every day signs both warrants and patents. He was induced some time ago, by the uncommon art and cunning of John Lovick, acting as Secretary, and Edward Moseley, Surveyor General, and William Little, the Receiver General of the Lds. Proprietors, to sign many patents wherein the number of acres are left blank, and on the same patents are Little's receipt in blank for the purchase money *etc.* Believes Sir Richard intended such patents to be for tracts of 640 acres, according to the laws and the Lds. Proprietors orders. But people are filling up the blanks for 5000 acres or more and the money goes into the pockets of "those three messinarys, Lovick, Moseley and Little" *etc.* *Proposes* the appointment of himself as Receiver General with power to inspect into such transactions *etc.* *Printed*, N.C. Col. Rec. III. 81. *Signed*, Edmond Porter. 2 $\frac{3}{4}$ pp. [C.O. 5, 293. ff. 7, 8-9, 10v.].

April 28.

201. Governor Johnson to the [Duke of Newcastle]. As it may frequently happen that I shall be obliged to go out of the Province to make peace with the Indians and to adjust affairs with the Governors of N. Carolina, Virginia, Maryland *etc.*, *prays that* Col. Thomas Broughton may be appointed Lt. Governor. He has one of the best estates, formerly held that office and divers other publick employments, in which he always acquitted himself with great honour *etc.* *Signed*, Robt. Johnson. 1 p. [C.O. 5, 383. No. 44; and 5, 388. f. 18].

April 28.
Whitehall.

202. Mr. Popple to Mr. Burehett. *Reply to April 3.* *Encloses* Heads of Enquiry for Capt. Waterhouse *etc.* *Concludes* :—H.M. having last year given a Commission to Capt. Osburn to be Governor of Newfoundland and having changed the usual Heads of Inquiry into Instructions to the Lord Vere Beauclerk as the same persons are again appointed for that station, my Lords do not think it necessary to add anything thereto this year, that Commission and those Instructions being still in force. [C.O. 218, 2. pp. 200, 201].

1730.

[April 28].

203. Memorial of John Winthrop to the Council of Trade and Plantations. The allegations in the petition of Messrs. Belcher and Dummer (*v.* April 15th) cannot be supported in law or fact. The Act for *the settlement of intestates' estates* is contrary to the laws of this realm in a double respect, first as it directs intestates' real estates to be distributed to all the children etc., whereas by the course of descents at law he is the sole heir; Secondly, as it empowers the Court of Probates, which is a spiritual Court, to hold plea of freehold estates, which by law can only be subject to the jurisdiction of temporal Courts. This act being in its own nature null, void and repugnant to the very powers granted by the Charter of K. Charles II, it is a gross mistake in the petitioners to allege that the same was annulled by H.M. Order of 15th Feb., 1727, whereas H.M. did upon Councell heard on both sides, thereby only relieve memorialist, as a subject and inhabitant of Connecticut, who resorted to his royal justice for relief, against the oppression of a Court of Probates, acting without any legal jurisdiction, under the pretended authority of an act *etc.* which was in itself void and null, even before H.M. for the future information of his subjects in Connecticut, was graciously pleased to declare it so *etc.* Those who approve of such a method of distribution are at liberty to make the same by will, which will sufficiently answer the purpose mentioned of encouraging all the children to contribute to the improvement of their fathers' estates *etc.* Memorialist can find no such act of the Massachusetts Bay as petitioners allege to have been confirmed. The request of the petition is far from being the united request of the whole Colony. Ever since the act was passed, numberless disputes have arisen thereupon, and many have groaned under the oppression of the Court of Probates, and arbitrary proceedings of the Assemblys, in support of their jurisdiction. Many appeals of the same nature as memorialists would have been brought, had the persons aggrieved been enabled to support the expence *etc.* *Pray* the Board to represent the great illegality and injustice of the Act *etc.* *Signed*, J. Winthrop. *Endorsed*, Recd., Read 28th April, 1730. 6 pp. [C.O. 5, 1267. ff. 116-118v., 119v.]

April 28.

St. James's.

204. H.M. Additional Instructions to the Governors of Jamaica, Barbados, Bahama Islands, Bermuda, New York, New Jersey, Virginia, Maryland, Pennsylvania and Nova Scotia, on the Bishop of London's Commission. As March 17 encl. ii. *Signed*, G. R. [C.O. 324, 36. pp. 217, 218.]

April 28.

Whitehall.

205. Council of Trade and Plantations to the King. In our representation to the Lords Justices of ye 30th of Augt. 1720, accompanying a draught of Instructions for Francis Nicholson Esqr. the Governor of South Carolina, we did

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propose that Commissions should forthwith be prepared to be used in ye two Provinces of South and North Carolina, for trying of pirates, in both ye sd. Provinces. Their Excellencies in Council on ye 20th of September following etc., did order such Commission to be prepared for ye Province of South Carolina, and by their second order in Council of ye 11th of Octr. 1720 directed this Board to lay before them, ye names of p.sons p.per to be inserted in ye sd. Commission, weh. we did etc. ye 27th of ye same month. But that order not extending to North Carolina, which was then under the Government of the late Lords Proprietors, no such Commission hath ever yet been directed for the trying of pyrates in that Province; and your Majesty having been graciously pleased to appoint Captain Burrington Governor thereof; we humbly propose to your Majesty, that the like Commission may be sent thither, for the trying of pyrates, as has been usually sent to other Plantations under your Majesty's immediate Government etc. *Propose* persons fit for the Commission, i.e. Governor Burrington, the Vice Admiral of the Province, Members of Council, Judges of Vice-Admiralty, Captains of ships of war within the jurisdiction of N. Carolina, the Secretary, Treasurer, Receiver General, Surveyor General of Customs for the Southern Provinces, and the Chief Justice of N. Carolina. [C.O. 5, 323. ff. 14-15.]

April 30. **206.** Mr. Popple to Mr. Attorney and Mr. Solicitor General.
Whitehall. Encloses memorial from Mr. Winthrop, which may be of service in making a return to the queries of 21st, which is desired as quickly as possible. [C.O. 5, 1294. p. 10.]

[April 30]. **207.** Governor Johnson to the Council of Trade and Plantations. Explanation of his scheme for settling townships. (v. 7th March). *Signed*, Robt. Johnson. *Endorsed*, Reed., Read 30th April, 1730. 2½ pp. [C.O. 5, 361. ff. 95-96v.]

April 30. **208.** William Basnett to the Council of Trade and
London. Plantations. About 13th June, 1728, at the request of Mr. John Pemberton merchant in Leverpoole and owners of the ship *Penelope* etc., I sent into your Board sundry affidavits relating to the said ship being taken by a Spanish privateer etc. And now annexed you have the first and second mates' affidavits who were carried to the Havanna. *Signed*, Wm. Basnett. *Copy*. $\frac{2}{3}$ p. *Enclosed*,
208. i. Deposition of W. Basnett, of Hackney, merchant. 5th Aug. [1728?]. Deponent well knows John Pemberton, Daniel Danvers, William Crossby and knew the husband of Ann Heywood, the owners of *above* ship, which with her cargo he insured for £600 in the voyage from Virginia to Liverpool mentioned

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- in the following affidavits which he received from John Pemberton *etc.* *Signed*, Wm. Basnett. *Copy.* $2\frac{3}{4}$ pp.
208. ii. Bill of lading of the good ship *Penelope*, Nathaniel Letherland, master, Maryland, bound for Liverpool *etc.* 28th Aug., 1727. *Signed*, Nath. Letherland. *Copy.* 1 p.
208. iii. Deposition of William Johnson and Robert Townson, first and second mate of the *Penelope*. On 8th Sept., 1727, off the Capes of Virginia, they were chased by a Spanish privateer, the *St. Anthonio*, 8 large and 6 small guns and 70 men, who seized the ship, which was laden with tobacco and a few logs of walnut *etc.*, but no logwood *etc.* They put the master and all the crew, except deponents and two more, which they carried along with the ship into a small sloop which they had took, who got back to Virginia. Deponents were carried with the *Penelope* to the Havanna. They were ordered to assist in unloading her. When she was nearly discharged, they were entertained ashore, whilst some Spaniards put on board and hid under the ballast pieces of logwood, in order to make the better pretence to condemn the ship and cargo, as deponents heard was done *etc.* Deponents were afterwards fetched away by the *Trial* sloop and put on board H.M.S. *Nottingham* at Jamaica. *Signed*, William Johnson, Robert Townson. *Copy.* 2 pp.
208. iv. Deposition of John Pemberton and Daniel Danvers, of Liverpool, Nathaniel Letherland, master, and Gilbert Neale, mariner. 8th June, 1728. Describe ownership, and cargo and voyage of the *Penelope*. *Copy.* 2 pp.
208. v. Estimate of damages by above seizure, £2488 4s. 2d. *Signed*, Nathl. Letherland. *Copy.* 1 p. *The whole endorsed*, Reed. from Mr. Basnett. 1st May, 1730. [C.O. 388, 89. ff. 50-51, 52-54v., 56-57v.]

May 1.
Whitehall.

209. Council of Trade and Plantations to the Duke of Newcastle. We have had under our consideration your Grace's letters *etc.* of 12 Nov. last and 28th of last month, in relation to the conduct of Sir R. Everard, late Governor of North Carolina, with respect to his unwarrantable proceedings in giving grants of land; and as we conceive that all such grants of land as have been made since H.M. has purchased that Province to be void, Sir Richd. Everard having had no authority, that we know of, for granting the same, we shall insert an Article in the Instructions which we are now preparing for

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Capt. Burrington, to declare them so ; We shall likewise insert several other Articles directing the manner of granting lands for the future, and for the collecting H.M. quit-rents thereon, and shall more fully explain the same in our Representation thereupon to H.M. *etc.* *Autograph signatures.* 1 p. [C.O. 5, 306. No. 18 ; and 5, 323. f. 15v.]

May 2. **210.** Mr. Fane to the Council of Trade and Plantations. Has no objection to 3 Acts of Jamaica submitted 19th Feb. *Signed*, Fran. Fane. *Endorsed*, Recd. 5th May, Read 3rd June, 1730. $\frac{3}{4}$ p. [C.O. 137, 18. ff. 64, 65v.]

May 2.
Boston. **211.** Col. Dunbar to Mr. Popple. *Refers to* letter of 1st May. *Continues* :—This at the request and solicitation of many gentlemen and inhabitants of New Hampshire, I beg leave to lay before my Lords Commissioners for Trade and Plantations with a mapp of that Province and course of Meremack river which parts the Masachusets and New Hampshire ; the Charter division line is markd. 3 miles to the northwd. of yt. river's mouth, but there are perpetual quarrels and law suits between the two Provinces, those of New Hampshire are satisfied the line should run due E. and W., 3 miles to the norward of the mouth of the river, but the inhabitants of the Masachusets say that the lands all along within 3 miles of the river on the north side belongs to them, so that the line must be as crooked as ye course of the river, and they even claim where the river has no north side as from Dunstable to Pemegewasset, where the course is north and south, nay, the Masachusets say that they can run a strait line from 3 miles to the norwd. of the mouth of Meremack river to the next northerly part of the same river, which is ye great pond, called Winipisschokee pond, which I have marked with a strait line by a pencil, as in the mapp, which my Lords will see takes in almost the whole province of New Hampshire ; it is presumed by the inhabitants of that Province, that when by the Masachusets charter ye division line was fixed 3 miles to the N. of the mouth of the River Meremack, it was imagined in those days that that river had a westerly course as from the entrance up to Chemsford, and in those days the course of the river was not known near so farr, the country being then full of Indians ; application was made to me all through New Hampshire, as they heard I was Surveyor Genll. of lands, to have the lines fixed between the two Provinces, and upon my undeceiving them, many of them requested I would represent it home, that it may be settled ; I went through the townships of Kingston, Chester and London Derry each of which has a part claimed from Haverhill as described in the map, and London Derry wch. has not been granted above 8 or 9 years has been

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put to seaven hundred pounds law charges for arrests and trespasses, tho' 16 miles N. from the river. I rode on purpose from London Derry to Haverhill and am satisfied it is not less. *Refers* to former petition transmitted by him, from country complaining that the township of London Derry was oppressed by the Masachusetts Government, and praying that the line might be fixed, or that they might be permitted to settle on the east side of Kenebeck river. *Continues* :—Many of them are now waiting to remove thither, but those who have cleard lands and made improvements are unwilling to leave them and begin anew ; Governour Wentworth tells me that he has made representations upon these heads, but has had no answer. *Refers* to enclosed applications. The Board may have full satisfaction from the proceedings hereupon on 20th July, 1677 before the King in Council [*v.* C.S.P. 1677. *Nos.* 352 *ff.*]. *Offers* his services *etc.* *Signed*, David Dunbar. *Endorsed*, Recd. 5th June, Read 28th Oct., 1730. *Holograph.* 3½ *pp.* *Enclosed*,

211. i. Petition of inhabitants of Londonderry, N.H., to Col. Dunbar. *Refer* to their petition to the King and explain their difficulty with respect to the line between the towns of Haverhill and Londonderry. On their arrival in N.E. they petitioned the Governor and Council of New Hampshire for a tract of land N.W. of Haverhill, which town is within the Massachusetts Government. Governor Shute and the Council there granted them a township of ten miles square at said place. They had cleared, improved and enjoyed the same for seven years before the inhabitants of Haverhill claimed the same and began to carry their people daily from their houses and labour, across the River Murrinack to Courts far distant in that Governmt. and imprison, judge and load them with excessive charges *etc.* It is not true, as they allege, that petitioners are Romans and not good subjects to H.M. Their Minister and several of them had no small share at the siege of Derry in that glorious defence of their religion and country *etc.* *Invite* him to use his influence for getting the line settled *etc.* *Signed*, James McKeen and 13 others “in the name of the rest of ye proprietors of Londonderry.” *Endorsed*, Recd. 5th June, 1730. 2 *pp.*

211. ii. Petition of inhabitants of Londonderry “originally from North Britain but last from Ireland” to Col. Dunbar. *Refer* to their petition to the King in 1728 for a tract of land in Nova Scotia. They are informed he is empowered to lay out the same for them. Request him to do so as near Fredericksburg as

1730.

possible. Ask for a respite of time to settle the same, as they cannot dispose of their freeholds at Londonderry at present without great loss, since they are perplexed with vexatious lawsuits by the inhabitants of ye Massachusets *etc.* *Signed*, James Gregg and 26 others. *Endorsed as preceding.* 1 p.

211. iii. Petition of *Same* to *Same*. Londonderry, 20th Feb., 17²⁹/₃₀. Refer to preceding and enquire as to result of petition. Ask for his assistance. *Signed*, John Macmurphy for the Memorialists. *Endorsed as preceding.* 1 p.

211. iv. Petition of Jonathan Sanburn and Ebenezer Stevens of Kingstown and John Macmurphy of Londonderry, in behalf of Proprietors of Kingstown and Londonderry, to Col. Dunbar. Request him to have the line between the two Governments determined, *as above*. "The Massachusets Govt. have more violently prosecuted us than before, since the death of H. E. Govr. Burnet" *etc.* *Copy.* 1 p. [C.O. 5, 871. ff. 184-186v., 187v.-190v.]

May 4. **212.** Col. Warner to Mr. Popple. In reply to letter regrets that "I am entirely a stranger to all the transactions that were in my great grandfather Sr. Thomas Warner's life time in the West Indies; none of his papers having ever fallen into my hands" *etc.* "I have been told that there was a book in print which gave some history of those times" *etc.* *Signed*, Edward Warner. *Endorsed*, Recd. 6th, Read 20th May, 1730. *Holograph.* 1 p. [C.O. 28, 21. ff. 64, 65v.]

May 5. **213.** Mr. Popple to Governor Johnson. All the papers that have been laid before my Lords Comrs. for Trade and Plantations, with respect to the paper mony of South Carolina being calculated upon the foot of Proclamation mony, My Lords Commissrs. desire you will consult the merchants trading to that Province, and let their Lordships have an accot. from you and them of the difference between Proclamation mony and the paper mony now current in So. Carolina. [C.O. 5, 400. pp. 276, 277.]

May 6. **214.** [? Mr. Willard] to Mr. Popple. Repeats No. 199, and encloses Act for a new town called Lunenburg, which he thinks he omitted. *Unsigned.* *Endorsed*, Recd. 15th June, 1730, Read 9th June, 1731. 1 p. [C.O. 5, 872. ff. 146, 147v.]

May 7. **215.** Mr. Popple to Col. Dunbar. *Acknowledges* letters of 9th and 29th Dec. *Continues* :—My Lord Commissioners have considered the Declaration published 2nd Dec., wherein by explaining the meaning of the Act for the better preservation

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of H.M. woods, quite contrary to the letter thereof, you give a liberty to such as are willing to destroy them ; My Lords who are extreemly surpriz'd at your acting in such direct opposition to ye law, and to your Instructions, in this particular, do expect that you immediatly recall your aforesaid Declaration, and that you take especial care, that the laws for the preservation of H.M. woods be punctually put in execution, to ye utmost of yor. power. My Lords think you will do very well to try ye effect of these laws, against any of those who contrary thereto, have committed waste in the King's woods ; and their Lordships desire to know very particularly what passes upon this occasion, that proper measures may be taken, in another Session of Parliament, to render anything that may be found defective. As to anything you say in your aforesd. letters about the Agent to the Contractors for Masts *etc.*, the Lords of the Admiralty will send you the proper orders *etc.* You will receive herewith the Instructions H.M. has thought proper to give you, with respect to the settlement of the Irish families between the Rivers of Penobscot and St. Croix, upon which service my Lords expect you will immediatly apply yourself, that a settlement of so much consequence, may not be dropt for want of proper encouragement. But as ye Penobscot Indians have already intimated to you that [*they*] expect you do not pass St. George's River, my Lords do think it for H.M. [*service*] that you do acquaint the Governor of Nova Scotia therewith, in order for his directions ; But in ye meantime, you are to use yor. utmost endeavours to gain the said Indians, by the most gentle usage, in order to prevent their obstructing this new settlement, as they seem to threaten. My Lords observe what you write concerning the settlement you have already made at Pemaquid, the fort you have built there, and the claims made by the people to ye lands, to the eastward of Kennebeck, under grants from the Council of Plymouth ; but their Lordships do not give you any immediate answer, because a petition from Mr. Waldo having been referr'd to them *etc.*, you will receive H.M. more particular directions, and in the mean while you will do well to avoid any dispute with those people upon a point not yet absolutely determin'd. I have their Lordships' directions to acquaint you, that they do not approve of your having nam'd the country wch. you are directed to settle, the Province of Georgia, because it is part of, and under ye Government of Nova Scotia, and being call'd a Province, it may be thought distinct, and not under any Government ; My Lords therefore think it shou'd be named George County, in Nova Scotia ; and upon this subject, their Lordships command me to tell you, that they think it proper to give your new settlements English names, with English terminations ; for which reason you will change ye name of

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Fredericksburg to Frederick Town or Fort. As to the Fishermen, who you imagine will go in numbers from New England to settle in George County, my Lords direct me to acquaint you that you ought to give them, or any others all possible encouragement, subject always to ye restrictions mentioned in yor. Instructions, by which you are likewise directed to set out at least 100,000 acres of land in this new county; as a nursery of trees for ye Royal Navy, besides the 200,000 acres which you are to set out in the other parts of this Government for the same purpose. The setting out of these 300,000 acres being of immediate consequence to H.M. and to the speedy settlement of the Province, no grants of lands being to be made prior thereto, you will do well to lose no time in a work of this importance. My Lords return you thanks for the printed papers you inclos'd to me, about the behaviour of the people of the Massachusetts Bay, relating to ye settlement of a salary on their Governor, and my Lords desire, that whenever any accounts of a publick nature come to your knowledge, you will communicate the same to, Sir, your most humble servant, Alured Popple. [C.O. 5, 916. pp. 382-385.]

[May 8].

216. Petition of Capt. James Sutherland to the King. Petitioner was appointed Captain of Johnson's Fort near Charles Town by Governor Nicholson, but after his death the President sold his post to a tradesman entirely ignorant of military affairs, without any complaints against him, or knowledge of the Council. He has served H.M. near 30 years and been of great use to the Trade and Navigation of that place, as may appear by the annexed certificate *etc.* In May, 1725 hearing a pyrate was off the barr of Charles Town, with 35 men on board, petitioner with only nine men surprized and took her. 135 of the principal inhabitants signed a petition to Governor Nicholson for a reward for him, which he brought over to lay before his late Majesty, but he soon after dying, petitioner's services were never considered. The abovementioned place being in H.M. gift as Proprietor, *prays to be reinstated etc.* Undated. 1 p. *Enclosed,*

216. i. Petition of (135) Merchants and Freeholders of Charles Town to Governor Nicholson, the Council and Assembly. *Commend* Capt. Sutherland's services *as above* and recommend him for a reward. Charles Town. 16th May, 1725. 135 *Signatures.* Copy. 1 p.

216. ii. Petition by masters of ships trading to Carolina. *Recommend* Capt. Sutherland *and pray* that he may be restored to his command. London, Aug. 14, 1729. 27 *Signatures.* 1 p. [C.O. 5, 383. Nos. 45, 45.i., ii.; and (*duplicates*) 52, 52 i., ii.]

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May 8. London. **217.** Lord Strathnaver* to Charles Delafaye, "at his office in the Cockpit." My Lord Sutherland would have waited on you about Captain Sutherland's affair but is led up with the gout *etc.* Begs him to forward his petition (*v. preceding*), which H.M. has given to the Duke of Newcastle *etc.* *Signed*, Strathnaver. *Addressed.* 1 p. [C.O. 5, 383. No. 46.]
- May 8. St. James's. **218.** Order of King in Council. Approving draughts of Instructions for Jonathan Belcher, Governor of Massachusetts Bay and N. Hampshire. *Signed*, Temple Stanyan. *Endorsed*, Recd. 30th May, Read 4th June, 1730. 1 p. [C. O. 5, 192. f. 266; and 5, 871. ff. 114, 115v.]
- May 8. St. James's. **219.** H.M. Instructions relating to Trade and Navigation for Jonathan Belcher, Governor of New Hampshire and the Massachusetts Bay. [C.O. 5, 192. ff. 267-341, 361-427.]
- May 8. St. James's. **220.** Order of King in Council. The Lords of the Committee of the Privy Councill having represented that during the whole time the late Mr. Burnet was Governor of Massachusetts Bay he had not received any salary or allowance whatsoever from the Assembly, and although several sums had been from time to time voted for him; and particularly one of £6000 that country money in August last, yet as the said sum was offered to him on terms contrary to those required by H.M. Instructions to him, he had in duty to H.M. and in just regard to the trust reposed in him refused to accept thereof, whereby his family hath been deprived of the advantages which might have been received from that Government *etc.*, Ordered, that Governor Belcher do acquaint the Generall Assembly in His Majesty's name, that it is expected they should make good to Mr. Burnet's children the sum voted to their late father in Aug., 1729, or at least such a sum as shall appear due to him for the whole time of his Government at the rate of £1000 sterl. per annum being the sum recommended in H.M. Instructions to be settled upon him in the said Province. *Signed*, Temple Stanyan. *Endorsed*, Recd. 30th May, Read 4th June, 1730. 1½ pp. [C.O. 5, 871. ff. 116, 116v., 117v.]
- May 9. Jamaica. **221.** Governor Hunter to Mr. Popple. *Acknowledges* letters of Dec. and Feb. last. *Continues* :—I send you with this a plan of Ye Fort according to our last projection wch. varys but little from the rude sketch sent to Mr. Delafaye *etc.*, but not fitt to be layd before the board. This you may lay before them. Though I beleieve we shall make some alteration still in nothing material *etc.* Engineers like mules if you will not let them go their own pace will stand stock still, and this has been

*Courtesy title of heir to Earl of Sutherland.

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my puzzle. However the Assembly having given no more than £3000 towards the finishing it, but left it intirely to my management, it shall be lay'd out with the best œconomy and what may be wanting to perfect it must be trusted to new ways and means and good humour for I have observ'd that Assemblys like other Clubs when nothing is charg'd in a bill but what they have bona fide had will pay the reckning and call for th' other bottle. Your cusing [*Henderson*. Ed.] wants much to get out of the Assembly and indeed I shall be pleased he did, for he will be more his own master and make a better figure in Council. He makes a very good one at ye barr. P.S. I have sent inclos'd to the Duke of Newcastle a memorial to H.M. for some stores of warr for ye use of Port Antonio. I intreat you'll promote it as far as may ly in yor. way. *Signed*, Ro. Hunter. *Endorsed*, Reed. 2nd July, Read 15th Oct., 1730. *Holograph*. 1 $\frac{3}{4}$ pp. [*C.O.* 137, 18. *ff.* 110, 110v., 111v.]

May 9.
Jamea.

222. Governor Hunter to the Duke of Newcastle. I have by this conveyance, the *Plimouth*, given your Grace so much trouble that I shall be short in this. It is only humbly to beg your Grace's assistance towards procureing from H.M. a grant of Royal mines in this island in ye same form and on ye same terms they have been formerly granted to others. Mr. Delafay will attend your Grace for that purpose. I have sent him copies of former grants, and the names of the present petitioners for a new one, viz. Edward Prater, Thomas Hoy and Rot. Hunter, *etc.* *Signed*, Ro. Hunter. *Endorsed*, R. July 3. *Holograph*. 1 p. [*C.O.* 137, 53. *ff.* 215, 216v.]

May 9.

223. Order of House of Lords. Any reports by the Board of Trade on rice exported from the Plantations are to be laid before the House. *Signed*, Wm. Cowper, Cler. Parliamentor. *Copy*. $\frac{3}{4}$ p. [*C.O.* 5, 361. *ff.* 97, 98v.]

May 9.

224. Copy of proceedings in the Court of Vice Admiralty, Boston, 9th May, 1730, upon 20 white pine logs seized by Jeremiah Dunbar at a mill upon Royal river, which Mr. Peter Wyre said were his and that he cut them upon his own land. The Judge, Nathaniel Byfield, decreed that the evidence of Jeremiah Dunbar was not sufficient to convict defendant by his own expressions in conversation, when he denies it in court, and that therefore the logs seized only are to be forfeited and defendant to pay cost of this prosecution taxed to 11l. 10s. 10d. in silver at 8s. pr. ounce, or Province bills double. Col. D. Dunbar thereupon moved for an appeal which was allowed, David and Jeremiah Dunbar and John Overing of Boston entering into an enactment to prosecute it in the High Court

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of Admiralty in South Britain within 12 months *etc.* *Endorsed*, Reed., Read 26th Oct., 1731. Copied from the original reed. from Mr. Jeremiah Dunbar, wh. was sent to Mr. Burchet. *Addressed.* 7 pp. [C.O. 5, 873. ff. 236-239v.]

May 10.
Jamaica.

225. Governor Hunter to the Council of Trade and Plantations. *Acknowledges* receipt of new Broad Seal and returns the old one. *Encloses* Minutes of Council and Journal of Assembly to 28th March and six Acts *etc.* *Continues* :— My reasons for passing the same I shall endeavour to lay before you in as plain and brief a manner as I am able. (i) An Act for vesting 20 acres of land in Lynch's Island in the Crown. This is exactly conformable to what your Lordships were pleased to recommend *etc.* (ii) for the better amending the highways. This is intirely a municipal law, the former Act for that purpose having been thought insufficient. (iii) To oblige the several inhabitants to provide themselves with a sufficient number of white people or pay certain sums of money in case they shall be deficient, and applying the same to several uses, and for repairing the wall of Port Royal. There is but one material difference in this Act from those which have been pass'd in former years, under the same title, and that is in the first clause it is enacted that white women, white boys and white girls, servants, shall stand as deficiencies, but after the first six months whoever shall be found deficient in their number of white people are to pay double what they did the preceding half year, the former Act expressing only white men. This is one expedient the Legislature hath thought of for the better peopling of the country, to which I could make no objection being willing to try the experiment and out of the money arising by this Act the soldiers of H.M. two Independent Companys are provided for as usual, and the overplus to be disposed of as shall be hereafter directed by the Legislature. (iv) for raising several sums of money and applying the same to several uses. This Act is commonly known by the name of the Additional duty bill, and is verbatim the same as the one pass'd last year under ye same title, except in the appropriating part wherein they have given 3000*l.* for the fortifications of Port Antonio, and about 1800*l.* more to make good former engagements to different people, and the usual sallary to their Agent, and other officers. Tis computed by good hands that this Act will raise this year about 10,000*l.*, and the remainder of the money not particularly appropriated is in the later clause of ye said Act to be apply'd for ye use of partys. (v) for the better suppressing and reducing the rebellious and runaway negroes. Of late there has been many depredations and violeneyes committed upon the frontier settlements to the great discouragement of new settlers, which occasion'd the Assembly first to address me, to fit out partys for the better security of

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the settlements at Port Antonio, and afterwards to pass this general Act, which tho' not altogether so compleat as I could wish, yet it may in some measure have a good effect, and as it is intirely a municipal law pass'd at their unanimous desire, I likewise recommend it to your Lordships, as a proper act to be pass'd by H.M. (vi) *for the better regulating slaves and rendering free negros and mulattos more usefull, and preventing hawking and pedling, and enlarging the time for the Commissioners collecting the outstanding debts.* It having been alleg'd, and I believe very justly, that the number of free mulattos, and free negros daly increase, and that their houses and habitations are often times receptacles of rebellious, and runaway slaves, either by their idle and indolent life, or by supplying the runaways with powder, arms and ammunition, which may prove of pernicious consequence to the Island, if not prevented, has given birth to this bill, and as hawking and pedling about the street by free negros with several goods and merchandize and [by] provisions by whom the runaway negros (as is alleg'd) are likewise supply'd. The Legislature hath thought proper in this bill to restrain them, under severe penaltys from such practices for the future, and to oblige them to go upon all emergencies in pursute after rebellious negros, at the command of any magistrate, or military officer. This will render them more usefull to ye country, and tho' this law is thought by some to be severe, yet for my own part I think it a good one, and could have wish'd that a clause had been incerted in it, that no mulatto, Indian, or Negro should hereafter be made free, unless the owner allotted them a sufficient maintenance during life. The later part of the preamble of this bill explains ye meaning of the last clause, so that upon the whole if your Lordships think proper, it may likewise be lay'd before H.M., for his approbation. The Assembly had no sooner pass'd these six bills, then they mov'd for a recess, which I was willing to gratifie them in, in hopes they'll meet at the time I have adjourn'd them to, and finish what I recommended to them for strengthening and better securing the country. Several Commitys are appointed during the recess, to consider of proper heads for a bill to that purpose, and I shall forward them all I can. As ye new settlements at Port Antonio, are going on with good success, and the harbours there having been jug'd by Admiral Stewart, and other Captains of men of war, places of security, for H.M. ships, 'twill be necessary for the further strengthening the mouth of ye harbours that a fortification or battery should be erected upon the east end of Lynch's Island. That would effectually secure ye harbours from any attempt that could be made by sea against them and as the country have already been at very considerable expence in securing the new setlers and fortifying the peninsula I am in hopes H.M. will be induc'd from your Lordships power-

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full recommendations to lend us a helping hand, for that purpose by sending us great guns and other ordinance stores. I have humbly requested ye Secretary of State to present to H.M. a memorial from me on that head and intreat your Lordships countenance to it. Upon the receipt of your Lordships commands, 9th Dec., I ishewed orders to ye proper officers to return to me forthwith such accounts as may inable me to make a return to your Lordships' queries, I hope by the next conveyance *etc.* Signed, Ro. Hunter. *Endorsed*, Recd. 2nd July, Read 15th Oct., 1730. 8½ pp. [C.O. 137, 18. ff. 112-116, 117v.].

May 11.
Whitehall.

226. Council of Trade and Plantations to the King. In obedience to Order of 20th April, directing us to prepare Instructions for Governors, requiring them to be assisting the Officers of the Vice-Admiralty Courts *etc.*, we humbly take leave to represent, that all your Governors have already an article in their Instructions, of which we inclose a copy (Art. 41 of Governor Belcher's Instructions), that your Majesty may be pleas'd to judge whether it does not effectually answer the intent of your Majesty's Order *etc.* [C.O. 324, 11. p. 236].

May 11.
Whitehall.

227. Mr. Popple to Mr. Burchet. In reply to 2nd Feb., acquaints him with the instructions given to Col. Dunbar to recall his licence in question *etc.* v. 7th May. The Council of Trade are leaving the matter of his differences with the Agents of the Contractors for masts to the Lords of the Admiralty *etc.* [C.O. 5, 916. p. 386].

May 11.

228. Mr. Attorney General to the Council of Trade and Plantations. *Reply to 8th May. Concludes* :—I am of opinion that by virtue of the generall and extensive words of [*your*] Commission, your Lordships are sufficiently authorized to administer such oaths to the said claimants. And I apprehend that certificates thereof signed by any three of your Lordships will be proper proofs to be transmitted to the Commissaries, unless there be any certain rule established concerning the proofs to be laid before Commissaries of this nature, whereby evidence taken in this manner is excluded. Signed, P. Yorke. *Endorsed*, Recd., Read 11th May, 1730. 2 pp. [C.O. 388, 89. ff. 60, 60v., 61v.].

May 11.
Lincoln's
Inn.

229. *Same* to Mr. Popple. I receiv'd your's dated this day and desire you would acquaint my Lords Commissioners that I am of opinion that the oaths taken before them, by persons making claims of losses by the Spaniards, ought to be attested and sign'd in the same manner as any other oath administred by them by virtue of their office. If there is no

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certain method of doing this established, then I should humbly advise rather that they should be sign'd by any three of their Lordships, who have ye power of administring such oaths, than by their Secretary, that being most agreeable to ye manner of taking affidavits or depositions in like cases; but it seems proper to add thereto their seal of office likewise. *Signed*, P. Yorke. *Endorsed*, Recd., Read 12th May, 1730. 1 p. [C.O. 388, 89. ff. 62, 63v.]

May 12.
Admiralty
Office.

230. Mr. Burchett to Mr. Popple. Asks for opinion of Council of Trade and Plantations upon Col. Dunbar's proposal in letter to the Duke of Newcastle that the Informer should receive the whole of the penalty in cases in the Admiralty Court *etc.* *Signed*, J. Burchett. *Endorsed*, Recd. 13th, Read 22nd May, 1730. 1½p. [C.O. 5, 871. ff. 110, 110v., 111v.]

May 12.
Whitehall.

231. Mr. Popple to Mr. Fane. Encloses copy of letter from Capt. Osborn in relation to the levying of taxes for building a gaol (*v.* 28th March), and enquires whether, upon considering said letter, he has anything to add to his report of April 26th. [C.O. 195, 7. p. 247.]

May 13.
Whitehall.

232. Mr. Fane to the Council of Trade and Plantations. *Reply to preceding.* I can add very little to *report of 26th April.* *Concludes* :—I think that Capt. Osborne having acted with so much caution and prudence and not having taken one arbitrary step in the execution of his Commission cannot be lyable to a prosecution in England, in case the inhabitants should not acquiesce in the tax. I think it absolutely necessary that the tax should be levyed according to the statute of King William, and notwithstanding the proceeding which has already been had was not entirely agreeable to that law, I think Capt. Osborne will be very well justified in pursuing it as it seems to be the only method whereby the designe and intention of H.M. Commission can be executed. *Signed*, Fran. Fane. *Endorsed*, Recd., Read 13th May, 1730. ¾ p. [C.O. 194, 8. ff. 321, 322v.]

May 13.
Whitehall.

233. Council of Trade and Plantations to Governor Osborn. You will percieve by two reports from Mr. Fane relating to the powers contained in your Commission and the measures you have taken for executing the same, that you stand perfectly justified according to his opinion, and so you do in ours, in all the steps you have taken there for preserving the peace and tranquillity of the inhabitants, during your absence, more particularly with respect to the building of a goal. And as you have certainly pursued the intentions of H.M. Commission and Instructions, so we hope you will find at your return that a proper submission has been paid to your orders. But if any

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refractory persons have refused to contribute to the prison you will see that you will be justified by Mr. Fane's report in putting the statute of K. Wm. III in execution, that is to say by impanelling a Grand Jury and making fresh orders at a Quarter Sessions upon their representation for this purpose. But as perhaps some difficulty may arise upon the terms in which your orders have been or may be conceived, it may not be an improper caution for the future in all levies to be made by virtue of the said Act of Parliament that the respective rates be levied in money exchangeable for fish at the option of the party who is to pay the same. [C.O. 195, 7. pp. 248, 249.]

May 13. **234.** Mr. Popple to Mr. Attorney and Mr. Solicitor General. Requests reply to 21st April as soon as possible. [C.O. 5, 1294. pp. 10, 11.]

[May 13]. **235.** Deposition of Thomas Marsingall, master of the *Crowne* of Newcastle, London, 3rd Jan., 1721, that following is a true account. *Copy.* $\frac{2}{3}$ p. *Enclosed,*

235. i. Inventory of goods belonging to the master of the *Crowne* of Newcastle, when seized in Mallaga Road by the Spaniards. *Value* 28l. 7s. 0d. *Endorsed,* Recd. (from Coll. Bladen), Read 13th May, 1730. *Copy.* $\frac{1}{3}$ p. [C.O. 388, 89. ff. 64, 65, 67v.]

[May 13]. **236.** Deposition of Robert Bailiff, late supercargo of the *Crowne* of Newcastle, that following is a true account. London, 23rd Jan., 1721. *Copy.* 1 p. *Enclosed,*

236. i. Inventory of goods belonging to R. Bailiff taken in the *Crowne* of Newcastle etc. by the Spaniards. *Value,* 228l. 3s. 6d. *Signed,* Ro. Bailiff. *Endorsed,* Recd. (from Coll. Bladen being delivered to him by John Hedworth Esq., Knight of ye Shire for ye County Palatine of Durham), Read 13th May, 1730. *Copy.* 1 p. [C.O. 388, 89. ff. 68, 69, 71v.]

[May 13]. **237.** Deposition of Robert Bailiff that the *Crowne* of Newcastle, by contrary winds and without knowledge of any breach with Spain, was obliged to put in for water and provisions at Malaga, 6th Sept., 1718, when they were taken prisoners by the Spaniards etc. *Signed,* Ro. Bailiff, London, 10th April, 1719. *Endorsed,* Recd. (from Coll. Bladen), Read 13th May, 1730. *Copy.* $1\frac{1}{2}$ pp. [C.O. 388, 89. ff. 72, 72v., 73v.]

[May 13]. **238.** Deposition of Thomas Marsingall, master of the *Crowne* of Newcastle and Robert Bailiffe, super cargoe, that in prosecution of a voyage from Cette to Amsterdam, they were

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obliged to put into Malaga Road where the ship was seized as prize *etc.* The following account is true, besides the spoil of the said ship's bottom, the master being obliged by means of her detention to double her with thin deals when he brought her home to Newcastle. London, 23rd Jan., 1721. *Endorsed as preceding. Copy. 1½ pp. Enclosed,*

238. i. Inventory of loss by the seizure of the *Crowne* of Newcastle (including 731*l.* 5*s.*, cash paid for repurchase of sd. ship when bought at Malaga) 1469*l.* 12*s.* 4*d.* *Signed, Thos. Marsingall, Ro. Bailiff. Copy. 1 p. [C.O. 388, 89. ff. 74-75, 77v.]*

May 14.
Whitehall.

- 239.** Order of Committee of Council. Referring following to the Council of Trade and Plantations for their report. *Signed, Temple Stanyan. Endorsed, Reed. 15th, Read 19th June, 1730. 1⅓rd pp. Enclosed,*

239. i. Petition of John Moore, Collector of H.M. Customs, Philadelphia, to the King in Council. *Refers to proceedings in case of the ship Fame and Depty. Governor Sir W. Keith. (v. A.P.C. III. No. 88 and C.S.P. Nov. 25, 1724). In pursuance of the Order of the Committee of Council, Nov. 20, 1725, petitioner, having taken the opinion of Sir Philip York and Sir Clement Wearg that the Supreme Court of Pensilvania was the proper Court etc., did in April, 1726 exhibit there an information upon the said seizure, and in Sept. following sentence of condemnation was obtained, and thereupon petitioner did commence divers suits agt. persons concerned in the intrusion and embezzlement. But pending the said suits, the defendants combining with Sir Wm. Keith formerly Govr. but then a member of Assembly etc. did apply to the Assembly and by their influence and interest did prevail on the present Govr. and the then Assembly to pass an act on 25th Aug. 1727, whereby the sd. suits and information commenced by petitioner qui tam etc. were discontinued and the Supream Court which had a power of a Court of Exchequer by the law of Pensilvania declared to have no jurisdiction therein, and enacted that the County Court, (consisting of the same magistrates, being all merchants.), which had before given judgment on the covinous information, should take cognizance of informations and have the power of a Court of Exchequer for the future, which puts petitioner under apparent hardships and difficulties etc. Prays that the Act for the establishing of Courts of Judicature may be repealed etc. Signed, J. Moore. 2¾ pp.*

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239. ii. Springett Penn, grandson and heir at law and John Penn, Thomas Penn and Richd. Penn devises under the will of William Penn decd, *answer* to the Committee of Privy Council for hearing appeals etc. to the *preceding* petition. 12th May, 1730. They are wholly strangers to the petitioner's complaint of his being deprived of the benefit of a seizure *etc.* But as to the Act for *establishing of Courts etc.* quote Charter. Some few weeks since respondents presented a transcript of the Act to the Council of Trade in order to the pleasure of the Crown thereupon. *Describe* purport of the Act and the occasion of its passing, a petition of Merchants to the Assembly, 22nd Nov., 1726, alleging that they conceived the Judges of the Supream Court had no power to issue original process but that they had lately assumed to themselves such a power to the great grief of the subject *etc.* The Assembly had the matter under their consideration for 9 months as being an act of the most publick concernment *etc.* *Deny* that it was intended to prejudice petitioner's action. *Continue* :—The Depty. Governor in obedience to H.M. commands added the clause for suspending execution on appeals unless the appellee gave security *etc.* He was so far from desiring anything prejudicial to H.M. service or even inconvenient to the petitioner, that it appears by the Minutes of Council that he offered a clause to be added wch. he had recd. from Mr. Moore himself, and wch. Mr. Moore alleged to be for H.M. interest *etc.*, whereby all informations and prosecutions wherein the Crown should be concerned should be commenced originally in the Supream Court *etc.* But it was observed by all the members of the Council that it would be in vain to offer the same to the Assembly because the chief design of the bill was to take from that Court the power of issuing original writs wch. power the Assembly had unanimously resolved was not in the said Court, it being only a court for redressing the errors of other Courts *etc.* Notwithstanding which, the Deputy Governor (who was apptd. by respondents) had so great a regard to what was said to be for H.M. service, that he pressed that the proposed clause should be laid before the Assembly *etc.*, who not agreeing to it, the Act was passed without it. Petitioner seems to say that the Supream Court before the passing the Act had by the law of Pensilvania a power of a Court of Exchequer, and that consequently the informations or actions he originally brought in that Court were proper, but respondents deny that they ever heard

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of any law or even usage which can support that allegation, *etc.* One of the oldest Acts of Pensilvania established the forms of all arrests and summons to answer (which are the first processes to bring defendants in to answer any action), and by those forms those writs are returnable in the County Courts only and not in the Supream Court. The commencing suits originally in the Supream Court would be not only a great vexation and prejudice to the Province and contrary to the general rule in H.M. Colonys, but also give your Lopps. infinite trouble. For Pensilvania being but an infant settlement *etc.*, and the body of the inhabitants of very small fortunes beginning to clear and improve the lands, and scituate at very remote distances from Philadelphia (where only the Supream Court is held), it would be to their utmost prejudice and indeed utter ruin to be drawn off from their settlemts. up to Philadelphia upon every action how small soever, and afterwards upon an appeale from that Court to H.M. here, (there being no appeal from the Supream Court but hither), the loss and time and expence whereof would be what their circumstances would not bear *etc.* Petitioner insinuates that this act was made purposely to defeat his actions, but the publick nature of the act itself is a sufficient answer to such pretence, *etc.* There is nothing in the act that would prevent the Supream Court proceeding on his actions, provided they had really original jurisdiction before. For the negative clause is only that the Supream Court *shall* not issue original process *etc.* *Criticises* his other statements and *pray* that this reasonable publick act may be confirmed, *etc.* *Signed*, Fred. John Paris, Agent for the Respondts. *Copy.* 15½ pp.

239. iii. Affirmation by James Steel, Quaker, late of Philadelphia, that the *following* is in the handwriting of Robert Charles, *etc.* 6th May, 1730. *Signed*, James Steel. *Copy.* 1 p.

239. iv. Minutes of Council of Pennsylvania. 18th Aug., 1727, relating to the clause referred to in No. ii. *Signed*, Robt. Charles, Cl. Con. *Copy.* 2 pp. [C.O. 5, 1267. ff. 120–131, 132, 132v., 134v.]

May 14.
Whitehall.

240. Order of Committee of Privy Council. Referring enclosed petition to the Council of Trade and Plantations for their report thereon. *Signed*, Temple Stanyan. *Endorsed*, Recd. 19th, Read 20th May, 1730. 1¾ pp. *Enclosed*,

240. i. Petition of John Lord Carteret, Palatin, to the King. *States* his right to an eighth undivided part of the

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Province of Carolina, which is expressly reserved to him by the Act of Parliament passed last Session *for establishing an agreement with seven of the Lords Proprietors of Carolina for the surrender of their title and interest in that Province to H.M.* Prays that his eighth part of the soil may be set out by Commissioners appointed by H.M. and himself, and offers thereupon to surrender to H.M. his share and interest in the Government of the Province and confirm to H.M. the other seven parts, *etc.* Signed, Carteret. Copy. 6 $\frac{3}{4}$ pp. [C.O. 5, 361. ff. 99-103, 104v.]

May 14. **241.** Earl of Sutherland to Mr. Delafaye. Asks him to forward Capt. Sutherland's petition. (v. 8th May). Signed, Sutherland. Addressed. Sealed. 1 p. [C.O. 5, 383. No. 47.]
Chelsea.

May 14. **242.** Same to the Duke of Newcastle. To same effect. Signed, Sutherland. 1 p. [C.O. 5, 383. No. 48.]
Chelsea.

May 16. **243.** [? Governor of Barbados] to the Duke of Newcastle. Encloses duplicates of what he wrote by a ship that departed a few days since *etc.* and of depositions (v. 28th May) by masters of vessels "that constantly trade to St. Lucia, St. Vincent and Dominique for wood, tuttle and corn." Continues:—They are all inhabitants of this island, and best of any acquainted with every part of them, and the truth of their depositions may be depended on. They are concern'd that the French are like to deprive them of that trade, *etc.* If your Grace will please to observe the contents of the papers inclosed in my last, and the depositions herewith sent, it plainly will appear, that the Parliament, or Board of Trade may stand in need of no petitions or informations from hence in a little while, for should we have a war with France, the first notice from us may be of our total destruction! Are not our fortifications gone to ruin? Do not the French know it? Are not we decreased in people since King William's and Queen Anne's wars? On the other hand, are not the French increased, infinitely increased? Are not the French fortifications more numerous, strong, and regular than ours. Yes, there is no comparison. Are not the French at present notwithstanding the good state of their fortifications repairing and adding to them? and I can assure your Grace, as I think I formerly observ'd, there is not a man of a more enterprizing genius than ye Marquis of Champagn *etc.* Add to this the settlements carrying on, on Sta. Lucia, St. Vincent and Dominique. If St. Christophers, Nevis and the general condition of all the English Caribbees in the late wars with France be remembred, what have we not now to fear? Observes that the assistance

1730.

the French gave the Dutch in their first war with K. Charles II was the rise of their afterwards formidable Naval power, the ruin of De Wit, who could never extricate himself from their service, and nigh the utter subversion of the United Provinces *etc.* *No signature or endorsement.* 1 p. [C.O. 152, 43. ff. 131, 131v.].

May 19. **244.** T. Lowndes to Mr. Popple. It being by the good-natured encouragement of the Earl of Westmorland that I undertook to show that a sufficient quantity (to serve Great Britain) of good pott-ash might be made in our own Plantations, *etc. as June 5th.* *Refers to enclosures and continues:*—The Planters in Carolina may now be rich if they please, for considering the lumber and plank trade, wch. they are now got into to the islands, the making of pott ash, in which there is very little mistery, and with which the markett here cannot be overcharged, will pay the Planters more than double the expence they are at, in clearing their lands; and this you know will be a great inducement to new settlers. Besides the making pott ash will not interfere with the planting rice. The person who made the pott ash mentioned (v. June 5, ii) is a blacksmith by trade, and therefore some allowance is to be made for the colour, *etc.* *Signed,* Tho. Lowndes. *Endorsed,* Recd. 19th May, Read 11th June, 1730. *Holograph.* 3 pp. *Enclosed,*

244. i. Duplicate of No. 275 ii.

244. ii. Extract of letter from Col. Bull, Member of Council, S. Carolina, to T. Lowndes. 24th Dec., 1729. The Marshall's place wants regulations, there being no provision for the subsistence of criminals they are now maintained by the Marshalls and since the disorder in this Governmt. there is not one writt in five that is executed. *Signed,* Wm. Bull. *Copy.* $\frac{3}{4}$ p. [C.O. 5, 361. ff. 121–123, 124, 126v.].

May 20. **245.** Council of Trade and Plantations to Governor Philipps. Whitehall. Enclose warrant for use of new Seal *etc.* [C.O. 218, 2. pp. 201, 202].

May 20. **246.** *Same to Same.* *Acknowledge* letters of Oct. 2, Nov. Whitehall. 25 and Jan. 3 last *etc.* *Continue:*—We congratulate you upon the good success you have had both with respect to the Fishery at Canço and to the French inhabitants at Annapolis who have voluntarily taken the oaths to H.M. but we could wish they had done it in more explicit terms as our Secretary will inform you and hope soon to hear that the other French settlements have followed their example. *Recommend* Mr. Hintze to him and his observance of enclosed Instructions for settling Palatines and other Protestants *etc.* (v. April 27). *Continue:*—As to the request made by the French Protestants of having 2000l,

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issued in paper bills upon land security we conceive that no such thing can possibly be done, till you shall have an Assembly, and even then it is a matter not to be enter'd into without very great caution, bills of this nature having proved of very pernicious consequence in many Provinces. By the copy of Col. Dunbar's Instructions, you will find that he is not made Governor as you imagined of any Province, that part whereon he is directed to make settlements being still under the Government of Nova Scotia : But as it is so far remote from Annapolis Royal H.M. has thought it necessary to appoint somebody immediately to inspect these new settlers, and to proportion the land in proper lots for them, which are afterwards to be confirmed by grants under the Seal of Nova Scotia ; and therefore you will do well to give the said Colo. Dunbar all the assistance you are able. As Placentia is likewise very remote from you and as the Government of Newfoundland has frequently been put under the care of the Captains of men of war upon that station, H.M. has thought it convenient to appoint Capt. Osborn, Commander of one of H.M. ships upon the Newfoundland station, Governor of that Island, with power to nominate Justices of the Peace in order to prevent the many outrages and murders committed there in the winter season. We hope we shall hear from you as often as any occasion offers and that you will transmit to us constant accounts of occurrences within your Government *etc.* As to the French inhabitants who shall take the oaths, it must be esteemed by them as a mark of H.M. goodness that they have not long since been obliged to quit their settlements in Nova Scotia, according to the terms of the Treaty of Utrecht ; not having till now taken the oaths of allegiance to H.M., it is to be feared we cannot much depend upon them in case of a rupture, notwithstanding this compliance, and therefore tho' it might not be amiss that they should take new grants of their respective plantations, there seems to be no reason why they should not in that case pay the same quit rents with the rest of H.M. subjects. So we bid you heartily Farewell and are Your very loving friends and humble servants *etc.* *Annexed,*

246. i. Copy of Col. Dunbar's Additional Instructions.
(v. April 27th.) [C.O. 218, 2. pp. 202-214.]

247. Council of Trade and Plantations to Lt. Genl. Mathew. Enclose following, with new Seal. The old seal is to be immediately returned to the Board. *Annexed,*

247. i. H.M. Warrant to Governor George, Lord Forbes, or the Commander in Chief of the Leeward Islands for the time being, for using the new Seal, *described.*
[C.O. 153, 15. pp. 51, 52.]

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May 20.
Whitehall.

248. Mr. Popple to Governor Philipps. *In explanation of 1st paragraph of No. 246.* I am to observe to you that by the words of that oath the French do not promise to be faithful to H.M. ; the oath indeed seems intended to have been a translation of the English Oath of Allegiance, but the different idiom of the two languages has given it another turn, for the particule "To" in the English oath being omitted in the French translation, it stands a simple promise of fidelity, without saying to whom, for as the word *fidelle* can only refer to a dative case and *obeirai* governs an accusative, King George has not a proper security given to him by the first part of this oath and it is to be fear'd the French Jesuits may explain this ambiguity so as to convince the people upon occasion that they are not under any obligation to be faithfull to H.M., which might have been avoided, if the oath had run in the following terms, *Je promets et jure sincerement en foy de Chrestien que je serois entierement fidelle à sa Majesté le Roy George le Second que je reconnois pour le Souverain Seigneur de la Nouvelle Ecosse et de l'Acadie et que je lui obeirais vrayment. Ainsi Dieu me soit en aide.* [C.O. 218, 2. pp. 214, 215.]

May 20.
Perth
Amboy.

249. Governor Montgomerie to the Duke of Newcastle. *Acknowledges* letter of 22nd Jan. by H.M.S. *Solebay* and instructions as to cessation of arms *etc.* Has ordered enquiries to be made whether any prizes have been taken from the Spaniards since $\frac{11}{2}$ June, 1728. *Acknowledges* letter of 2nd March relating to the English Copper Company. *Concludes* :— I have had several conferences with the Proprietor of the Mines. I find him unwilling to enter into any contract here, and all I can bring him to is to promise, that when his ships arrive in England with the ore, the Company shall have the first sight of it *etc.* *Signed*, J. Montgomerie. *Endorsed*, R. 8th Sept. 2 pp. [C.O. 5, 983. ff. 16, 16v., 17v.]

May 22.
Perth
Amboy.

250. Governor Montgomerie to the Council of Trade and Plantations. *Abstract.* Has had no opportunity till now of acknowledging their letter of July 9, 1729. He was so far from discouraging the late Assembly from addressing the Crown for a distinct Governour, that when he was informed of their secret consultations, he made it known to all that he would not oppose the Council's joyning with them in a dutifull Address and would willingly transmit it. As stated 20th April, 1729, his principal reason for dissolving them was because in their resolves and messages they mentioned no application nor address to the King. Anxiously expecting a reply to his letter of 2nd Aug., he prorogued the Assembly till he could do it no longer, the revenue expiring in Sept. next, so met them on 7th May. He did not in his Speech (enclosed) mention their Instruction for repealing the last clause of the Act for

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appropriating a part of the interest money because the Act for providing for the incidental charges of the Government (to which use the interest money has always been applied) is generally the last Act of the Session, and hopes for the Board's answer to his letter of 2nd Aug. 1729, before that. He has conversed with all the Members about it, and has little hopes that they will consent to the sinking of the interest money, for they insist that the bills sink regularly and punctually without it. The Assembly has as yet gone upon no business of consequence, having been obliged to adjourn a week, because of the meeting of the Supream Court, which required the attendance of several of the Members. The Quakers are as numerous in this as they were in the last Assembly. Hopes they will behave better than they did then and do something to deserve the favour of having their bill ratified. Mr. Kinsey, one of their profession, is chosen Speaker and a man of sense and honesty *etc.* *Returns thanks* for their report on Mr. Morris junior. His removal from the Council of New York was absolutely necessary, for his whole business has always been to set the Council, Assembly and the Governor by the ears, *etc.* *Set out*, N. J. Archives, 1st Ser. V. 268. *Signed*, J. Montgomerie. *Endorsed*, Recd. 12th Sept., 1730. Read 16th June, 1731. 4 pp. *Enclosed*,

250. i. (a) Speech of Governor Montgomerie to the General Assembly, Perth Amboy, 7th May, 1730. H.M. has commanded me to have a strict regard for all your rights and privileges and instructed me to concur with you in everything that is for the real good of the Province, particularly the encouragement of your trade and manufactures. He expects on your part that you will support his Government by settling upon him a revenue in as ample a manner and for as long a time as former Assemblies have given it to his predecessors *etc.*

(b) Reply of Assembly. Express their "loyalty and gratitude to the best of Kings" and declare their readiness to settle the revenue as above, *etc.* *Signed*, John Kinsey, jr., Speaker.

(c) The Governor's reply, expressing satisfaction with above. *Endorsed as preceding. Copy.* 3 pp. [C.O. 5, 972. ff. 209-210v., 217-213v.]

May 22.
Perth
Amboy.

251. Governor Montgomerie to Mr. Popple. Excuses himself for not having written oftener, but knew he would see his letters to the Board. Returns thanks "for the great care Mr. Drummond tells me you have taken of every thing that concerned me at the Board of Trade." Will return answers

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to queries of Dec. 9th, 1729, but some require time. *Signed*, J. Montgomerie. *Endorsed*, Reed. 12th Sept., 1730, Read 2nd April, 1731. 1 p. [C.O. 5, 1055. ff. 153, 154v.]

[May 22]. **252.** Account and certificate of the value of the *Swallow* and cargo of fish (1526*l.* 19*s.* 6*d.* sterg.) seized at St. Ogne, 30th Sept., 1718. (v. 7th July). *Endorsed*, Reed. 22nd May 1730. English and French. 4½ pp. [C.O. 388, 93. Nos. 18, 18 i.]

May 23.
Whitehall.

253. The Council of Trade and Plantations to the Privy Council. We have had under consideration your Lordships Order of the 14th inst. referring to us a petition from the Lord Carteret, setting forth his "right to one full eighth undivided part of Carolina, and also of the arrears of Quit rents, and humbly praying, that his eighth part of the soil may be set out and allotted to him, in such parts of the sd. Province, as shall be agreed upon by such persons as H.M. shall be pleased to appoint for H.M. and such persons as his Lordsp. shall name on his part, to hold the same in severalty to him and his heirs, together with all the same royalties, powers, liberties and privileges (the Governmt. of the said Province only excepted) as far as concerns such eighth part, as he is entituled unto under the Charter of the Province, and the Act of Parliament lately passed for establishing an agreement with seven of the Lords Proprietors of Carolina for surrendering their title and intrest therein to H.M., in case such division or allotment was not or should not be made; and under the like quit rents as are mentioned in the sd. Charter, according to his proportion or eighth part thereof; whereupon the said Lord Carteret proposes to surrender to H.M. his intrest in the Government of the said Province, and to convey, confirm and release to H.M. the other seven parts of the said province." We take leave to represent to your Lordships, that we are of opinion it will be for H.M. service, that the Lord Carteret's property shou'd be separated from that of H.M., wherein he should enjoy whatsoever he is entituled to by the Charter of Carolina and the aforesaid late Act of Parliament; and to prevent any difficulties that may attend the setting out an eighth part of the soil of the said Province, we think the method proposed by the said L. Carteret will be most effectual. Wherefore we have no objection to H.M. appointing some proper persons and empowering them to agree finally with such as shall be appointed by the said Lord Carteret for such a tract of land as they shall deem to be a just proportion for his Lordship's eighth part and upon his Lordship's surrendering to H.M. all pretentions to the Govt. of Carolina, the sd. eighth part of the lands to be set out as aforesaid may be convey'd to his Lordsp. in such manner as H.M. shall be advised by his Council learned in the Law. [C.O. 5, 400. pp. 77-79.]

1730.
May 25.
Boston.

254. Col. Dunbar to Mr. Popple. *Abstract.* As he has not had one line from any of the offices, fears his letters have either miscarried or been disapproved. By the mast ship lately arrived at Casco-bay, letters from Mr. Waldoe state that he has prevailed at home to put a stop to the settling the new colony until further orders, and until H.M. title to those lands is determined, which he always apprehended was done before his late Majesty in Council some years ago. *Continues* :—I have seen a printed state of the proceedings thereupon with an opinion signed by Dr. Pinfold of Doctors Commons. Capt. Coram was one of the petitioners who proved the King's right, and then all the present claims lay dormant, as they did in 1663, when the tract of lands now in dispute was granted by patent to ye Duke of York, it was never worth their while to settle till now they apprehended yt. H.M. was inclined to do it, and if the claims are allowed I will pawn my life it will never be settled *etc.* *Continues* :—"The dayly opposition and ill useage I meet with for doeing my duty is not to be credited, and ye famous Dr. Cook at the head of all, even to the pleading all their causes in the Admiralty Courts," *etc.*, where the Judge is superannuated, and either very ignorant, or partial to the country, or both. The proceedings and decrees will prove it. *Describes* the objections he made to Dr. Cook's affidavit, which they owned were right, but would not correct it. *Continues* :—"Dr. Cook now says I have hinder'd him and others from settling, it is wonderfull they never were induced to attempt it before, as is plain by the whole country is a wilderness, without one house or hutt between the Island of Arrowsick in ye river of Kennebeck and Georges River, where the Province of the Masachusets keep a truck house for ye furr trade with the Indians and those two rivers are about fourty miles asunder, and there are not ten acres of clear land about ye truck house, nor any clear land or settlement anywhere else; I have done more this winter at Fredericksburg than ever was in ye whole province, no part of even the Masachusets can show so much clear land without some wood, and now most part of it under corn and gardens, it is a thousand pittys such a settlement should be baulked to please a number of thankless people, who act herein in pure opposition to his Majesty, and not with any real designe to settle themselves there, but in my humble opinion the scope of land these people already possess is too extensive, and will containe more than enough such subjects as they are *etc.* If it should be H.M. pleasure that the settlement should go on, desires to be excused in being concerned *etc.* There would not have been any opposition to this new settlement but that Dr. Cook and Mr. Waldo spirited up the claimants, saying their interest at Court was not to be withstood, of wch. they had a late instance, it is impossible to describe their behaviour since, tho' now that they hear their own

1730.

Governour is charged with ye 23rd Article in stronger terms than Mr. Burnet was, they express themselves with great resentment and indecency towards him. Most of the people who have the claims sett no vallue upon them and were willing to take new titles under the quit rent reserved, until Dr. Cook and Mr. Waldo said they would not give the King a farthing and undertook to sollicit a confirmation of the titles for one halfe to themselves. I beg it may be rememberd that if the claims are allowed, all those lands will be private property before the year 1690, and there can be no reserve there for the Royal Navy, when I sayd thus to Mr. Westbrook, the present undertaker for the masts, he replyed, the King might go into ye bay of Fundy for 'em, these and many such desrespectfull treatments of his Majesty, I own does so ruffle me that I am weary of my life, and any man yt. behaves anything different from the croud, stinks of the prerogative, this expression is common wth. them, some of them lately upon the arrival of ships from London, gave out for news, that the King and Queen were poysond. and yt. England was in armes divided for the Prince and Duke, late at night many families were waked and alarmd wth. this, the Attorney Genll. has had ye partys bound over, and is resolved to prosecute them, but he tells me he fears the punishmt. will not be corporal nor exceeding 20s. fine; the fines mention'd in the Acts of Parliamt. are construed here to be this currency wh. is not $\frac{1}{3}$ sterl., I beg an explanation of yt., tho' I have no occasion as yet, never having received one penny fine, but doubt not to be decreed some upon my appeals home, but then the partys will only go to jail for a little time *etc.*, and not longer for 100 trees than for one. I am more out of pocket upon the prosecutions than I can spare, and have no fund for it. I wish the Advocate and Attorney Genll. were ordered to attend all prosecutions, and to make their demands home, tho' if either of them was Judge of ye Admiralty in lieu of Mr. Byfield, the King would have justice here, and ye fines might not onely pay the charges, but afford some small sallary or travelling charges for them. My Lords will be surprised at proceedings; which are now prepareing for my sending home, by the Attorney and Advocate General, which I hope will be convinceing yt. nobody ought to be a judge in these parts yt. either is a native or interested in the lands or woods; the man of war for this station is dayly expected and it is rumoured that Mr. Belcher was stop'd in England upon the Ministry being made acquainted with his religion and principles, here is a Gentlemn. that heard him say lately in London, when a bible and common prayer book were presented to him bound together, that he would take away the prayer book because it polluted ye bible, the King's friends here are pleased wth. ye hopes of a new Governour, and wish for Collo. Burges or some man of spirit to keep these

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stubborn people to their duty *etc.* Please lay this before their Lordships *etc.* P.S. Here is a report yt. Coll. MtGomery is dead at New York, but I cannot find any grounds for it. *Signed*, David Dunbar. *Endorsed*, Reed. 2nd July, Read 28th Oct., 1730. *Holograph*. 8 pp. *Enclosed*,

254. i. Copy of a Summons to Col. Dunbar to be present at the taking of affidavits against him 23rd May, 1730, by Adam Winthrop, Elisha Cook, Anthony Stoddard, James Bowdoin and Cornelius Waldoe, merchants, of Boston. *Signed*, Timo. Clarke, Nath. Green. *Enclosed*, Reed. 2nd July, 1730. *Copy, attested*, John Darrell, Depty. Sheriff. 1 p. [C.O. 5, 871. ff. 176-179v., 180v.-181v.]

May 26.
Whitehall.

255. Mr. Popple to Mr. Burchett. In reply to 12th May, my Lords have no objection to the informer receiving H.M. share of the penalty *etc.* [C.O. 5, 916. p. 387.]

May 26.
Whitehall.

256. Council of Trade and Plantations to the Committee of the Privy Council. Reply to Dec. 18th, 1729. We have discoursed with the merchants. and planters concern'd in [the *Leeward*] Islands, and find they are of opinion that the said Islands cannot afford to grant additional salary to their Govr., but if we may be allowed to judge of their ability, from what they have already given to former Govrs., we think that they might allow a summ not exceeding 2000*l.* sterl. But the merchants. having refused to give us any information with respect to the proportion each island ought to pay of this summ, we do not think ourselves sufficiently enabled to ascertain the same. We are the rather inclined to believe, these Islands may without difficulty come into this contribution, because the summes given by them to the Lord Londonderry, were much larger, and yet when disputes arose before this Board upon the acts by which those summs were granted, the merchants. complaint was not against the summ given to his Lordship, but against the manner of collecting only. Considering the dearness of provisions and the manner in which H.M. Governor should live, to support the dignity of his employment in the neighbourhood of the French and other foreign nations, we conceive that less than 2000*l.* sterling in addition to the salary paid by H.M. will not be sufficient. We apprehend, the fees and perquisites of this Government to be of small consequence, Col. Hart having informed us that he offered, when he was Govr. of the Leeward Islands, to farm them at 200*l.* per annum, and the said perquisites were then more and more considerable than they can be now, the French lands on St. Christophers being since that time disposed of, for the benefit of the publick : But we think it our duty to acquaint your Lordships, that from

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the disposition which the people of these islands seem to be in at present, we apprehend there is very little reason to expect they will make any additional provision for a new Govr. [C.O. 153, 15. pp. 53-56.]

May 27. **257.** Mr. Popple to the Officers of the Board of Works. The rails before this Office being in a very ruinous condition, *desires* they will give directions for repair *etc.* [C.O. 389, 37. p. 310.]

May 27. **258.** Merchants trading to S. Carolina to the Council of Trade and Plantations. *Pray* that the laws relating to the execution of Justice, particularly that for altering the manner of serving process *etc.* may be amended. (v. April 17). *Signed*, Ste. Pet. Godin, John Hewlett, Richd. Lambton *and eleven others.* *Endorsed*, Recd. 27th May, Read 4th June, 1730. 1 p. [C.O. 5, 361. ff. 105, 106v.]

May 27. **259.** Mr. Popple to Col. Williamson. My Lords Commissioners being informed that Mr. Hintze has received the money from the Treasury, but remains privately in town *etc.*, desire you will let them have what information you can get of this matter, their Lordships being very much concern'd to find a person you so strongly recommended act in this manner. [C.O. 218, 2. p. 216.]

May 28. **260.** [Governor of Barbados]. *Encloses* duplicates of 16th Barbados. May and refers to enclosures. *Concludes* :—Something must be done against the exorbitant, and surprizing increase of the French in these parts, and amongst other things nothing seems more reasonable, expedient and necessary than that the English should have St. Lucia, the French Dominique, and that St. Vincent be possessed only by native Indians and free negroes that are on it. If the French will not come into this, surely they have a premeditated design to circumvent and overrun us. I am now to request of your Grace, that you would please to let my letters be punctually answered, or their receipt acknowledg'd by your Secretary, *etc.* for otherwise I may be sometimes in suspence and great incertainty. *No signature or endorsement.* $\frac{3}{4}$ p. *Enclosed*,

260. i. Deposition of Mark Waters, merchant, Barbados. 14th May, 1730. Deponent is very well acquainted with Sta. Lucia. For some years past several Frenchmen have come over from Martinique and settled in all parts where there is any conveniency of landing. They are encouraged and have permissions from the General of Martinique. Deponent is well satisfied that he gives them leave to settle at Dominique and St. Vincent as well. When he was last at Sta.

1730.

Lucia there were at least 200 French families inhabitants there and more were daily coming on. He hath often heard it reported by the French there that they soon expected to make it a French settlement. If speedy care be not taken, the French will soon become very strong on said Island. *Signed, Mark Waters. 1 p.*

260. ii. Deposition of Samuel Clay, master of the sloop *Elizabeth*, owned by Mark Waters, 14th May, 1730. On 24th March last deponent touched at Dominique for water and ballast at the S.E. part of that island, where he found several French inhabitants settled. He was received by several Frenchmen who required him to go to their Captain for a permission, which he refusing to do, they told him he must go to their Captain for that he was put in by the Marquis of Champagnie (who is general of the French Islands), and that said Champagnie had reviewed them and found their body to consist of 500 effective men. They offered to buy goods off him if he would get permission from their Captain to trade, which deponent refused to do, saying that he knew no right the French had to that island *etc.* One Caleb Sudbury belonging to Barbados was lately at St. Vincent and told him that St. Vincent had likewise a French Captain appointed there. If timely steps be not taken, the French will soon be masters of Sta. Lucia, Dominique and St. Lucia, *etc.* *Signed, Saml. Clay. 1 p.*
260. iii. Deposition of Richard Crawdon, master of the sloop *Industry*, owned by John Ridley, Barbados. 15th May, 1730. On 25th March deponent landed at St. Vincent to cut timber, when one Monsr. Ja'true endeavoured to prevent him. On deponent making answer that he would in spite of him, Ja'true immediately offered a hogshead of rum and a hogshead of wine to the native Indians and negroes to come down and burn his sloop. Deponent was forced to send and bribe them to prevent it, but believes they would have done it, had not another English sloop, commanded by one Daniel Daniel (on board of which was Caleb Sudbury) been there and agreed to stand by one another. Ja'true told him that he was sent by order of the General of Martinique to cut timber for the fortifications at Martinique; and that the said General had given orders to suffer no Englishman to come ashore there or at Sta. Lucia, to cut wood or timber, and also said they expected both the said islands would be made French settlements very soon. There is one M. Pecherea at St. Vincent which

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the Frenchmen told deponent was sent by the General of Martinique to reside there as their Capt. Deponent has used the said island near 7 years, and there is at least 500 French families settled there besides 1000 negroes *etc.* At Sta. Lucia there is not less than 250 or 300 French families settled, and several of them have from 20 to 50 slaves each, and once in six months a person comes from Martinique sent by the General to take an account of the number of the inhabitants. *Signed*, Richard Crawdon. $1\frac{3}{4}$ pp.

260. iv. Deposition of Caleb Sudbury. Deponent has been employed to build sloops for the French inhabitants at Sta. Lucia *etc.* *Corroborates preceding.* 14th May, 1730. *Signed*, Caleb Sudbury. $1\frac{1}{2}$ pp.

260. v., vi. M. Godart to Caleb Godart. Ste. Lucie, Feb. 2nd and 11th April (N.S.) 1730. Engages him to come and build a sloop for him. *Signed*, Marm. Godart. *French.* $2\frac{1}{2}$ pp.

260. vii. Deposition of John Barnes, master of the *Good Intent*, Barbados. 15th May, 1730. A Frenchman named Tremblant, armed with pistols and cutlash prevented deponent's people from cutting timber on St. Vincent, 11th March, 1728. They said they were sent to cut timber for the fortifications by the General of Martinique and had orders from him not to suffer any Englishman to come ashore to cut wood or timber. They ordered deponent to begone and that night boarded his sloop and searched for him and when they found him next day, made several strokes with their cutlashes to have cut him down *etc.* *Corroborates No. iii.* *Signed*, John Barnes. 3 pp. [C.O. 152, 43. ff. 132, 133-137, 138-139v.]

May 28. **261.** Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, an act of Antigua for cutting off the entail of lands of John Bradshaw decd. *etc.* [C.O. 153, 15. pp. 56, 57.]

May 28. **262.** Governor Mathew to the Council of Trade and Plantations. I waited so long for the publick papers I was to transmitt to your Lordships that I apprehended I might at last be blameable for not sending those I had already receivd (even tho' the series of them is very incoherent) having so good an opportunity by Mr. Gordon, who promises to take care of them *etc.* *Sends* five great packets to the Secretary *etc.* The lists of births and burials I find impracticable to get as compleat as required. Several parishes have from time to time been without an incumbent. The Church Wardens have been very negligent in those intervals in keeping a due register, and where a foreign clergyman has been call'd upon in the

St.
Christophers

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vacant parish to bury or christ'n, he has omitted making the entrys in that parish register. As fast as I can get in more of these, I shall carefully transmitt them home. In one of the bundles are several acts pass'd by His late Excellency, that I got at last from his Executor, whether these be originals or duplicates I can't tell. Among them are but two acts of my passing. One in Montserat for raising a levy, in the usual form. The other an act made in Antigua for continuing their Court act for one year longer. They deferr'd till almost the last day providing a new act to regulate and establish the Courts of Justice; their old one being just expiring, and then hurry'd up this short one, else the currt. of the law would have been stop'd. Probably during the year's continuance of this a new act will be provided, which is to contain some alterations and amendments on the former, and preparing such a bill is generally the task of the Members of the Assembly that are of the law. There are many transcripts of Minutes of Council and Assembly. But these too are incoherent, and are, some of them, brought me but this very morning that the ship sails. So that I have not time to examine strictly what spaces want filling up, but will immediately sett about it, and call in for what are wanting in order to transmitt them to be laid before your Lordships. By the lists of papers I now send, your Lordships will find the respective officers have been duely called upon by me for all the several accots. I am order'd to get in. Tho' but few of them are yet come to hand *etc.* I will not be wanting I assure your Lordships in extortting this duty from the several officers, and if I fail compleating this service before Lord Forbes's arrival, I will put into his Lordship's hands your Lordships' orders and an accompt how farr I have been able to obey them *etc.* I hope no complaint will come to your Lordships against me for rejecting an Act of the Island of Antigua for continuing their present Agent three years longer, which I did, for that the present act expires not till the beginning of next year. Therefore there was no immediate danger of that island suffering for want of an Agent, and because, as 'twas for the present unnecessary, I would not anticipate any opportunity of Lord Forbes's giving that Island good laws, or having the full exercise of his power. I am very much at a loss how to send the latitude and longitude of evry island in this Government, which (the Virgin Islands included) are a very great many. I want instruments proper for that purpose, and am so little us'd to such observations, that I could not depend on my own exactness. I had got Colonel Phipps to go down to Leeward, and with such artists as are to be found here to do it as well as could be. But he has been prevented by illness that has stop'd his voyage these two months. I intend to propose it to the Captain of H.M. ship of warr on this station *etc.* Our Assembly here has often met, but done little business

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of late. They are taken wholly up in bringing Wavell Smith Esq. from the Council Board to the barr of their House, to accompt to them for misbehaviour in his Secretary's Office, alledg'd in general terms against him, as extorting unlawfull fees etc. They have pressd me strongly by an address and at a Conference to suspend him from his seat in Council on these suggestions only, and for a contempt they charge him with in harsh words in not attending a Committee of their House according to order, and a good deal of paper has been us'd on both sides between him and them. It must conclude by the 11th June, for then this Assembly expires, and if I find it necessary, I shall pray your Lordships' leave to lay the whole before you and wait your determination therein. At present I am intending this, being unwilling to give from my own judgement a precedent that concerns so much the privilege and independance of both Houses. But as there is to be a meeting on Monday next when this matter will probably be brought again on the tapis, I wait till after that day to resolve what to do in it for my own safety from complaints and to gratify each House. It's pity such expedients are so often found to avoid doing the Islands more eminent and more necessary service. *Signed*, William Mathew. *Endorsed*, Reed. 10th July, Read 13th Oct. 1730. *Holograph*. 4 pp. [C.O. 152, 18. ff. 9, 10, 11, 12, 12v.]

May 28.
St.
Christophers.

263. *Same* to Mr. Popple. Refers to packets sent by Mr. Gordon etc. *ut supra*. *Signed and endorsed as preceding*. (Reed. from James Gordon Esq.). *Holograph*. 1 p. *Enclosed*,

263. i. List of public papers sent under the care of James Gordon etc. *Endorsed as preceding*. 4½ pp.

263. ii. Docket of fees of the Marshall, St. Christophers. *Endorsed*, Reed. 10th July, 1730. 1 p

263. iii. List of inhabitants of St. Christophers, 1729. By parishes. *Totals* :—Christian Men, 1117 ; Women, 994 ; Children, 1586. Slaves, 14,663. *Same endorsement*. ½ p.

263. iv. List of inhabitants of Nevis, 1729. By parishes. *Totals* :—Christian Men, 373 ; Women, 390 ; Children, 533. Slaves, 5646. *Same endorsement*. ½ p.

263. v. Birth and Burials in the parish of Christ Church, Nichola Town, St. Kitts, 1721—1730. 3 pp.

263. vi. Births and Burials within the parish of Trinity, Palmeto Point, St. Kitts, 1721—1730. 2 pp.

263. vii. Births and Burials within the parish of St. George, Basseterre, 1721—1728. 2 pp.

263. viii. Baptisms and Burials in the parish of St. Thomas, Middle Island, 1722—1730. 2 pp.

263. ix. Mr. Moore to Governor Mathew. *Encloses No. viii*. *Signed*, John Moore. Mar. 25, 1730. 1 p.

1730.

263. x. Baptisms and Burials in the parish of St. John Cabesaterre, 1721—1730. $\frac{2}{3}$ p.
263. xi. Baptisms and Burials in the parish of St. Mary Cayan, 1721—1730. *Signed*, Archibald Cockburn. $\frac{3}{4}$ pp.
263. xii. Births and Burials in the parish of St. Anns, Sandy Point, 1724—1730. *Signed*, Dr. Bethune, Rector. 1 p. Nos. v.—xii. *endorsed*, Recd. 10 July, 1730.
263. xiii. List of Secretary's fees, St. Christophers. *Same endorsement*. $2\frac{1}{4}$ pp.
263. xiv. List of White inhabitants of Antigua. By divisions. *Totals* :—Men, 1337 ; Women, 1096 ; Children, 1655. *Same endorsement*. $\frac{2}{3}$ p.
263. xv. List of Secretary's fees, Montserrat. *Same endorsement*. 3 pp.
263. xvi. The Political Anatomy of St. Anthony's district, Montserrat. Gives names and quality of freeholders and their possessions, *Totals* :—Houses, 104 ; windmills, 12 ; water-mills, 1 ; cattle-mills, 27 ; men, 138 ; women, 155 ; children, 183 ; white men servants, 48 ; white women servants, 14 ; Negro men, 1178 ; negro women, 1044 ; negro children, 1006 ; numbers in family, 470 ; acres cultivated, 3029 ; uncultivated, 2334 ; sugar acres, 2775 ; indigo acres, 12 ; cotton acres, 2 ; ginger acres, 0. Horses, 226 ; mules, 209 ; cattle, 759 ; sheep, 175 ; hogs, 83 ; goats, 130 ; fire-arms, 222 ; swords, 81. $1\frac{1}{2}$ large folded p.
263. xvii. Political Anatomy of St. Patrick's or White River District, Montserrat. Names of Planters etc. *Totals* :—Houses, 33 ; Windmills, 2 ; cattle mills, 6 ; women, 42 ; men, 53 ; children, 105 ; white servants, 2 ; negroes, 722 ; number in family, 194 ; acres cultivated, 650 ; uncultivated, 1904 ; sugar acres, 408 ; indigo, acres, 13 ; cotton, acres, 33 ; horses, 94 ; mules, 45 ; cattle, 148 ; sheep, 106 ; hogs, 46 ; goats, 106 ; firearms, 74. $\frac{3}{4}$ large folded p.
263. xviii. Political Anatomy of St. George's, or Windward District, Montserrat. Names of planters. Houses, 64 ; windmills, 7 ; cattle-mills, 13 ; men, 52 ; women, 48 ; children, 100 ; white servants, 14 ; negroes, 1223 ; number in family, 163 ; acres, cultivated, 1338 ; uncultivated, $471\frac{1}{2}$; sugar, acres, 1482 ; indigo, acres, $\frac{1}{4}$; horses, 97 ; mules, 156 ; cattle, 127 ; sheep, 114 ; hogs, 69, firearms, 71. $\frac{2}{3}$ rd large folded p.
263. xix. Political Anatomy of St. Peters, or Northward District. Names and trades of inhabitants. Houses, 55 ; windmills, 2 ; watermills, 2 ; cattle-mills, 6 ; men, 51 ; women, 39 ; children, 87 ; white servants, men, 6 ; women, 6 ; negroes, 682 ; number in family, 167 ;

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- acres, cultivated, 841; uncultivated, 1321; sugar, acres, 629; indigo, acres, 11; cotton, acres, 18; horses, 55; mules, 49; cattle, 286; sheep, 255; hogs, 93; goats, 39; firearms, 59; swords, 27. *Endorsed*, 10th July, 1730. 1 large folded p.
263. xx. Account of stores and condition of forts and fortifications of Montserrat. *Signed*, Charles Pilson, Gunner. *Same endorsement*. $\frac{3}{4}$ p.
263. xxi. List of baptisms in the parish of St. Anthony, Montserrat, 5th March, 1722—23rd Nov., 1729. 4 pp.
263. xxii. List of burials in *same*. $2\frac{1}{2}$ pp.
263. xxiii. List of baptisms in the parish of St. George, 3 pp.
263. xxiv. List of burials in *same*. $\frac{3}{4}$ p.
263. xxv. List of baptisms in the parish of St. Peters. 2 pp.
263. xxvi. List of baptisms in St. Patrick's parish. $\frac{1}{2}$ p.
263. xxvii. List of burials in *same*. $\frac{1}{2}$ p.
263. xxviii. List of marriages in *same*. $\frac{1}{4}$ p.
263. xxix. List of marriages in St. Anthony's parish. $1\frac{1}{2}$ pp.
263. xxx. List of marriages in St. George's parish. $1\frac{3}{4}$ pp.
Nos. xxi.—xxx. endorsed, Reed. 10th July, 1730.
263. xxxi. Treasurer's receipts and payments of revenue in Montserrat, 8th March, 1722—13th Nov., 1729. *Signed*, John Roynon, Treasurer. *Endorsed as preceding*. 14 pp.
263. xxxii. Account of negro-slaves imported into Montserrat, 25th March, 1721—25th Dec., 1729. *Total*, 3,210. *Signed*, Nath. Webb, Coll. *Same endorsement*. 2 pp.
263. xxxiii. List of inhabitants of Nevis, 1729. By parishes. *Totals* :—Christian men, 373; women, 390; children, 533; slaves, 5646. *Endorsed*, Reed. 10th July, Read 13th Oct., 1730. $\frac{1}{4}$ p. [C.O. 152, 18. ff. 13, 14—16, 18v.—20, 21v., 22, 23v., 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 39—42, 43—47, 48, 49, 49v., 50—51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61—63, 64, 65, 66, 66v., 67v.—73, 74v., 75v.—77, 78v.]

May 29.
Virginia.

264. Lt. Governor Gooch to the Council of Trade and Plantations. I have lately had the honour of your Lordships' letter of 6th Nov., with the new seal *etc.*, and shall by the *Biddeford* man of war, now ordered home return the old one *etc.* I have also received the letter with queries *etc.*, and am preparing an answer, which shall be transmitted with all possible dispatch. The General Assembly mett the 21st instant, and that your Lordships may be apprised of the subject of their consultations, *encloses* Speech and Addresses *etc.* *Continues* :—As by these it will appear there is a perfect harmony amongst us, so I have no reason to doubt of its continuance and good

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effect on their future proceeding ; That which at present requires my chief attention is the framing of a bill for improving the staple of tobacco, agreeable to the scheme I formerly laid before your Lordships ; the Burgesses have already made some progres, and though it costs me a great deal of pains and application, and it may be impossible to reconcile their different notions and interests, which perhaps may make some alteration in my project, yet I hope to accomplish the principal design by ascertaining the weight so as to prevent that abuse of running the tobacco in Great Britain, and thereby defrauding H.M. of his Customs. And they are now in the House of Burgesses reading the third time a bill for repealing the last law, which confined the planters to 6000 plants, *etc.* *Signed*, William Gooch. *Endorsed*, Recd. 1st Aug., 1730, Read 12th May, 1731. *Holograph.* 2 pp. *Enclosed*,

264. i. Speech of Lt. Governor Gooch to the Council and Assembly. The miserable circumstances their staple is reduced to, render the present a suitable opportunity for considering his scheme for improving it. "And since whatever acts you prepare, will have no long continuance, if they are disagreeable to the British trade, it is with great satisfaction that I acquaint you, the scheme I now recommend has been already approved at home" *etc.* Lays before them two Instructions. "One concerns the honour of Almighty God not yet by law sufficiently secured, *etc.* ; the other relates to bankrupts in England having no estates in this country." Suggests new bill, without the objectionable clauses, in place of the act limiting suits on judgments and obligations repealed *etc.* They are experiencing all the felicity they hoped for under the government of so amiable a monarch *etc.* *Endorsed*, Recd. 1st Aug., 1730. 3¼ pp.

264. ii. Address of Council in Assembly to Lt. Governor Gooch. Return thanks for *above* speech and agree with it. May 22nd, 1730. *Signed*, in the name of the Council, Mann Page. *Endorsed as preceding.* *Copy.* 1 p.

264. iii. Address of the House of Burgesses to Lt. Governor Gooch. Return thanks for above Speech. Welcome the Peace with Spain, and will do all in their power to put their trade under such a regulation as may remove from it those mischeifs which are now become a burthen intolerable *etc.* Will imitate the Lt. Governor's calmness and disinterestedness *etc.* *Signed*, Jno. Holloway, Speaker. *Endorsed*, Recd. 1st Aug., 1730. *Copy.* 1 p. [C.O. 5, 1322. ff. 140, 140v., 141v.-145v.]

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May 29.
Marten's
Lane,
Cannon
Street.

265. B. De la Fontaine to the Council of Trade and Plantations. *Refers to* letter of 11th Aug. etc. 500 Palatins have now come to Rotterdam. He and Mr. Missing have shipping to take them to the British Plantations. 500 more are coming. Will endeavour to persuade them to go to Carolina, if the Board think it is for H.M. service and if anything is settled for their encouragement etc. *Signed*, Benja. De la Fontaine. *Endorsed*, Reed. 29th May, Read 11th June, 1730. 1 p. [C.O. 5, 361. ff. 113, 114v.]

June. 2.
Whitehall.

266. Mr. Popple to Daniel Pulteney Esq. My Lords Commissrs. have for some time been collecting all the proofs they can find, in support of H.M. title to the islands of Sta. Lucia, St. Vincents and Dominico; and as this matter at least so far as relates to Sta. Lucia, was formerly under your consideration at Paris etc., they desire that if any particular facts or observations have occurred to you, material for this end, you would be pleased to communicate them to their Lordships, wch. they will esteem as an obligation. [C.O. 29, 15. pp. 133-135.]

[June 2].

267. Deposition of Thomas Lake, Master of the *Hope*. Bidford, April, 1730. Bound from Newfoundland to Cadiz, laden with dry cod fish, and arriving there 13th Oct., 1718, without any knowledge of any breach with Spain, the crew were made prisoners, the ship seized, plundered and fitted out for the King of Spain's use. The ship and cargo was worth 2320*l*. Inventory annexed. *Signed*, Thomas Lake. *Endorsed*, Reed. 2nd June, 1730. *Copy*. 1 p. [C.O. 388, 89. ff. 78, 78v.]

June 2.

268. Thomas Lowndes to the Duke of Newcastle. Duplicate of No. 275 i. *Signed*, Tho. Lowndes. *Holograph*. 1 p. Encloses following.

268. i. Richard Lambton to Thomas Lowndes. *Copy of* No. 275 ii. $\frac{1}{2}$ p. [C.O. 5, 388. ff. 20, 21.]

June 3.
Whitehall.

269. Order of Committee of Privy Council. The Lords Commissioners for Trade and Plantations are to prepare a proper Instruction to the Governor of New England, for H.M. Royal signature, signifying that, as a means to encourage the discovery of persons who destroy H.M. woods, H.M. is graciously pleased to grant his share to the Informer of the penaltys inflicted by the Act for the further encouragement of Naval Stores. And that the said Governor be required in the strictest manner, to take especial care, that by H.M. giving this encouragement, it doth not induce persons clandestinely to cut down and lay waste H.M. woods in those parts, instead of conducing to the preservation thereof, by collusions between the Informer and the persons who shall be prosecuted. And that the said Lords

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Commissioners do likewise prepare another draught of Instructions, proper to be sent hereupon to Col. Dunbar, requiring him in like manner to take all possible care to prevent collusions *etc.* *Signed*, W. Cory. *Endorsed*, Reed. 15th, Read 19th June, 1730. $1\frac{3}{4}$ pp. [*C.O.* 5, 871. *ff.* 118, 118v., 119v.]

June 4.

270. Petition of Representatives of New Jersey to the King. Wee your Majesty's most loyall and dutifull subjects *etc.*, by the early care your Majesty has been pleased to shew for the general benefit of all your people, are animated to beleive, that nothing which may contribute to the advantage and prosperity of this (tho' small and distant) part of your dominions, will be denied us *etc.* Wee humbly apprehend it would much more conduce to the benefit of this Province, and be no prejudice to that of New York, were there Governours, as are the Governments distinct. It is a peculiar happiness many of our fellow subjects enjoy, to be near your royall person and to partake of the immediate influence of so good a Government; but since our distance deprives us of that great benefit, it might (wee humbly hope) in some degree be recompens'd, by having a person cloath'd with your Majesty's authority constantly residing amongst us. This wee cannot expect whilst under the same Governour with New York, that Government necessarily taken up so much of our Governour's time, that but a small part of it can fall to our share: and his residence being chiefly there, renders application to him from hence, on ordinary occasions difficult, and in extraordinary (however willing) he may be unable to releive, untill the affairs of that Province will permitt his coming into New Jersey. Under the like difficultys (and for the like reason) we have laboured in respect to our principall officers who have formerly been inhabitants of that colony, which not only renders them less usefull in their severall stations, but by spending their sallarys there, drain'd us of money which would otherwise have circulate amongst us. Our having the same Governour with the Colony of New York, at first, was (as wee humbly conceive) because this Province was then in its infancy, the inhabitants few, and it might justly have been thought too heavy a burden to maintain a Governour of our own, but since wee are now much more numerous, and are as able and willing to support one, as divers of our neighbouring colonies who enjoy that benefit, wee are humbly of opinion, the granting this colony such a Governour, might tend to encrease our wealth and put us in a condition to emulate our neighbours in trade and navigation. Wee intrreat your Majesty to beleive, that nothing wee here say proceeds from any dissatisfaction to our present Governour; on the contrary, wee are very well pleased with his government and desire it may continue during your royall pleasure, but all wee humbly ask is, that when your Majesty shall think fitt to

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put a period to his government, you will then graciously condescend to bestow a distinct Governour on this your Colony of New Jersey. That your Majesty may long live to enjoy the Crown you wear with ease and delight, exceeding in honour your illustrious ancestors; that when you part with an earthly diadem, it may be to receive a crown more permanent and glorious; and, that Great Britain and these Dominions may be always happy in a Sovereign, whose virtues are so conspicuous (as in duty we are bound) shall be the prayers of your most dutifull and most loyall subjects *etc.* By Order of the House, *Signed*, John Kinsey jr., Speaker. Divers of the Members of this Assembly being of the people called Quakers concur to the matter and substance of this address but make some exceptions to the stile. 1 *large folded p.* [C.O. 5, 983. f. 18.]

June 4. **271.** Mr. Popple to Mr. Fane. My Lords Commissrs. for Trade and Plantations having received a petition from the Merchants trading to South Carolina, relating to the laws of that Province, for the execution of justice, I am commanded to send you a copy of their Petition, as also the publick acts of that Province from August 1721, to the present time, which any ways relate thereto, and to desire your opinion in point of law, whether any of the said Acts are lyable to the objections raised by the merchants thereto. [C.O. 5, 400. p. 280.]

June 4. **272.** *Same to Same.* Encloses Charter to the Lords
Whitehall. Proprietrs. of Carolina, and desires his opinion whether according to that Charter any grant from the Lords Proprietors be valid, unless signed by them all, under their Common Seal. [C.O. 5, 400.]

June 5. **273.** *Same to Mr. Attorney General.* Refers to letter of
Whitehall. March 18 and asks for return of papers sent therewith. [C.O. 5, 400. pp. 281, 282.]

June 5. **274.** Col. Dunbar to Mr. Popple. Has little to add to his
Boston. letter of 25th May *etc.* *Continues* :—On the 27th of May the Genll. Court met near this town to elect 28 Councillers according to the annual custome, when by a party made beforehand 8 of the old ones were left out, Gentlemen of ye best distinction in ye country, but they were those who shewed a due regard to H.M. instructions to his Governours, weh. was their crime, and they are turn'd out because they stunk of ye prerogative and a great number of the electors were for voteing them out of all employments, several of them being Judges of the Courts of Law. At the late election of Members for this toune, weh. in imitation of London send 4, one Mr. Cradock an English merchant and a churchman, sett up for one, the town was much

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alarmed at it, crying popery was coming in upon them like a torrent and they were to be devour'd by the scarlet whore, such is their respect to the Church of England. It is impossible for any Englishman or Churchman ever to come into their House of Representatives whilst the elections are managed as at present, they are made by a town meeting, and they governd by a Moderator for that day, from whom there is no appeal, Doctor Cook was Moderator, and also one of the candidates, he refused some votes and scrutinized others well qualified, but passed all who voted against Mr. Craddock, and there is no precedent where an election was controverted in the House, nor any hopes there for a churchman, *etc.* *Concludes* :—I have had notice of more complaints against me, I know not ye particulars, but am sure they are all levelled at the new settlement, and I am sure they can say no more with truth, than my own acknowledgments in all my letters *etc.* *Signed*, David Dunbar. *Endorsed*, Recd. 2nd July, Read 28th Oct. 1730. *Holograph.* 2 pp. [C.O. 5, 871. ff. 182, 182v., 183v.]

June 5.
Whitehall.

275. Duke of Newcastle to the Council of Trade and Plantations. Encloses following, "which you will please to consider, and to give it such countenance and encouragement, as it shall appear to you to deserve." *Signed*, Holles Newcastle. *Endorsed*, Recd. 5th, Read 11th June, 1730. $\frac{3}{4}$ p. *Enclosed*,

275 i. T. Lowndes to the Duke of Newcastle, 2nd June, 1730. Encloses following, "by a partner with Mr. Wragg." *Continues* :—Some of the best merchants of the City of London are now fully convinced that great quantities of right good pott ash can be made to profit in our American Plantations, and in a few months there will be some tons of that valuable commodity imported hither from Carolina." *Signed*, Tho. Lowndes. *Holograph.* 2 pp. *Enclosed*,

275. ii. Richard Lambton to Thomas Lowndes. May 16, 1730. A noted Soapboyler, who has tried the hogsh-head of pott ash, that came some time since from Carolina, has owned that it is as good as the East Country in all respects but colour *etc.* *Signed*, Richd. Lambton. *Copy.* $\frac{3}{4}$ p. [C.O. 5, 361. ff. 115, 116–117, 120v.]

June 5.
Whitehall.

276. Council of Trade and Plantations to the King. Recommend William Hayman for the Council of Jamaica in place of Mr. Swymmer decd. [C.O. 138, 17. pp. 289, 290.]

June 7.
Harefield.

277. Mr. Pulteney to Mr. Popple. *Reply to No. 266.* Cannot supply the information required as his papers are in town, and what he collected on that subject was chiefly from the books in the office *etc.* *Signed*, D. Pulteney. *Endorsed*, Recd., Read 9th June, 1730. 1 p. [C.O. 28, 21. ff. 68, 69v.]

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[June 8].

278. Governor Johnson to the Council of Trade and Plantations. Suggestions on the draught of his Instructions. Hopes to be allowed house-rent *etc.* *Endorsed*, Reed. 8th, Read 9th June, 1730. $2\frac{1}{2}$ pp. [C.O. 5, 361. ff. 109–110v.]

June 9.

279. Mr. Fane to the Council of Trade and Plantations. In reply to 4th June, is of opinion that no grant will be valid unless it is under the hands and seal of all the Proprietors, for the powers given to them are joint, and cannot be legally executed without the express consent of the whole *etc.* *Signed*, Fran. Fane. *Endorsed*, Reed., Read 9th June, 1730. $\frac{2}{3}$ p. [C.O. 5, 361. ff. 111, 112v.]

June 9.

280. Galfridus Gray to the Council of Trade and Plantations. By the late Treaty of Peace with Spain we are told, that all the British damages which we have received by the Spaniards since the solemn Peace of Utrecht, will by agreement have reparation, and whereas many men may only concern themselves in fully setting forth their own damages *etc.*, I shall omit my own (of which I gave your Lordship a hint in 1723) and here only set forth a great national damage done by the Spaniards in taking the Bay of Campeachy from us soon after ye abovesaid Treaty *etc.* Our right to that place is evident by your report to the House of Commons *etc.* As to my long and personal acquaintance with many of the American countries, let what I have laid before your Lordships with respect to several national advantages that way, justify it. I shall only say, as elsewhere, that I have known America near 40 years *etc.* Has been assured by some of his acquaintance present at the time that 60 sail of English ships were then taken by the Spaniards. *Refers for* corroboration to p. 33 in the treatise called *Remarks on the letters of the Spanish Ministers*, published 1727 *etc.* To obviate an objection that myght be made by some that are not acquainted with the methods of loading ships in some of the American countries; say such, why wou'd 60 English ships be taken, had they not men enough to defend themselves? To this I answer, in Virginia and Maryland *etc.*, their ships lie in rivers where there is not any house near them, and fastned by their cables to trees; in Campeachy the ships ride at anchor by a little island called Treist, at the entrance of that Bay, and the logwood which they goe thither to load, some of it may be cut the best part of 100 miles up the country; In Virginia *etc.* they fetch some tobaccos 200 miles, also many time they have only a man and boy left on board a ship of 400 tons, except when a sloop comes on board with tobacco, and no sooner unloaden but they are gone again. So it is in the Bay of Campeachy, they fetch their logwood in boats *etc.*, so that the men belonging to the ships, they were gone up the country up in the woods which the Spaniards knew, also we knew that

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we had no fortification to defend the ships. Your Lordships know that the logwood trade must be a great advantage to the Nation, both to the Crown and subjects, it was wholly in our hands, it paid 4*l.* per tun duty to the King, and altho' the common price in the Bay was 5*l.* per tun, the merchant had a sufficient profit, it sold for 13 sometimes up to 18 or 20*l.* per tun; that it was a great advantage is evident by the risques run to get it, since the bay have been taken from us, contrary to Treaty; By so late an account, as the 26th of last month, we are told in the daily Post Boy, 14 more of our ships are taken by them; also in the same paper, it is said, that the Spaniard had taken another belonging to New England, and cut all that sloop's Company to peices in cold blood, only the cabin boy escaped, this is not a singular instance, but a late one. My Lords, such are injuries done to a Nation which in the time of it, have been able to drive them every Spaniard out of those seas or any other that dared to affront us: why we thus suffer I know not; I have been taken by them at an English island, and carried to and put a shore on a desolate island without an ounce of victuals, where I lived miserably 13 weeks and 2 days before I gott off *etc.* *Refers to* clause in Treaty of Utrecht *etc.* *Continues* :—We are the only Nation that the Spaniards thus use, the French have taken upon them near if not full three parts of their great island Hispaniola, and the Dutch an island 80 miles up the Gulf of Venezuela, which are the two chief places of trade these nations have in America, yet we must suffer 20 times as much as both when we are 20 times better able to resent it *etc.* I humbly hope your Lordships will please to pardon any warm expression; I have felt their inhumane treatment *etc.* *Estimates* the damage done by the Bay of Campeachy being thus unlawfully taken from us at 1,239,000*l.*, besides the value of the ships since taken, amounting to about the same sum *etc.* “This damage is of more value than all the Navy of Spain.” *Concludes* :—America rightly considered and improved is the country that might be of the very greatest consequence both as to trade and power. Profits in trade your Lordships know is the support of power, then the more trade any nation has or gets from us or we from them, so much is the alteration in power and trade. Both of which may be very much altered in the American parts of the world, and in a very little time, as I cou'd shew how, if it were desirably requested. *Signed*, Galfridus Gray. *Copy.* 7 pp. [C.O. 388, 89. ff. 182–185.]

June 10. **281.** Council of Trade and Plantations to the Duke of
 Whitehall. Newcastle. Enclose following to be laid before the King.
Annexed,

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281. i. *Same* to the King. In obedience to command of 22nd Nov. last, have prepared Instructions for Governor Johnson *etc.* *Continue*:—We take leave humbly to represent to Your Majesty, that the appointment of the late Govr. having been only provisional, his Instructions were not so full as those of other Governors: but Your Majesty having since that appointment been pleased to purchase the Sovereignty of this Province, with seven eighth parts of the land thereof, we think it for Your Majesty's service that Col. Johnson shou'd be as amply instructed as Your Majesty's other Governors in America are, and therefore have inserted in the enclosed draught all such Instructions, as are usually given to other Governors, where the same were applicable to the present circumstances of this Province, taking notice in this report of such alterations as we have made therein. In the first Article we have added the names of Thos. Brought, Jno. Fenwick, Jos. Wragg, Thos. Waring, and Jno. Hammerton Esqrs., in the room of Thos. Smith, Jos. Morton, Wm. Gibbon, Cha. Hart and Ben. de la Consequere Esqrs. Your Majesty having been pleased to purchase seven eighth parts of the arrears of Quit rent due from the possessors of land in Carolina, we think it will be for your Majesty's service, considering the circumstances of this Province that you should be graciously pleased to remit the same upon the conditions following vizt: 1st That the Assembly do pass an act for repealing one formerly consented to by the Lords Proprietors *to ascertain the prices of land etc.*, for should this act continue in force, your Majty. would not only be prevented from disposing of your land in the most advantageous manner for your service, but ye value of your quit rents would greatly depend upon the people; for by the sd. act the quit rents are made payable in the produce of the country at a price to be fixed by three persons nominated by the Govr. and Council and 3 by the Assembly. 2dly. That all the possessors of land, do register their grants, that your Majty. may be inform'd thereof, and of the quit rents reserved thereon, and 3rdly That they do pay such quit rents for the future in Proclamation money, and therefore we have prepared the 19th Instruction accordingly. There is an act subsisting in this Province *etc. for calling in and sinking the paper bills*, and part of the duties arising from the said act are at present applicable to ye paying of certain bills of credit now current in the said Province. But the

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planters and merchants trading to South Carolina have represented to this Board, the necessity there is of applying such part of the said duties for the term of seven years to ye charge of surveying and laying out townships, and to the purchasing of tools, provisions and other necessaries for any poor Protestants, that shall be willing to settle there, and we have prepared the 20th Instruction for that purpose, being of opinion, that this appropriation may be a great encouragement to the more speedy and effectual settling of this Province. There being no money current in this Province but paper bills, and those at a very great discount, and the planters and merchants having represented to us the absolute necessity there is of having some paper money current there to serve as a medium of trade, we have prepared the 21st—32nd articles, whereby we have endeavoured not only to remedy the inconveniences commonly attending a paper currency, but have prescribed a method of calling in and cancelling the bills now current without prejudice either to the planters or merchants. The experience we have had of the good effect of a scheme of this nature in New Jersey has inclined us to propose this; to which may be added that a due execution of such a scheme would in time give the Province ease by sufficiently providing for the current expence by the interest arising from these new bills, without burthening ye people with any taxes. In the 38th Article directing the Governor to take care that fair books of accounts of all receipts and payments of publick money, be duly kept, we have inserted the following words: “And that all such accounts be audited and attested by Our Auditor General of the Plantations or his Deputy, who is to transmit copies thereof.” The usual manner of granting lands by the Lords Proprietors of late years, was to receive a fine of 20*l.* and reserve a quit rent of 10*s.* for each 1000 acres: But we conceive it may be more for your Majesty’s service to make an augmentation in the quit rents, in lieu of that fine, and have therefore prepared the 58th Instruction, directing the Governor to reserve a quit rent of 4*s.* pr. 100 acres in all grants to be made for the future. We have inserted the 53rd—56th Articles, in relation to the grants of lands already made as well as for regulating such as shall be made for the future, and for the settling of townships, on such places as we thought proper for your Majesty’s service and the good of the Province. We have added the 57th Article to encourage the importation of white people,

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the black bearing at present too great a population to the number of whites. Your Majesty has already been pleased to give Instructions of the like nature to the Governors of Virginia and Jamaica. We have inserted the 63rd Instruction, that your Majesty may be the better informed of such offices and places as were granted by the late Lords Proprietors under their common Seal before 1st Jan. 1727, and for which there was an express saving in the Act of Parliament *for establishing an agreement with seven of the Lords Proprietors etc.* The fort of Alatomaha, which we conceive to be of much importance to your Majesty's possessions in this Province, having been neglected, we have inserted the 117th Article, that the same may be immediately repaired, and a detachment of your Majesty's Independant Company constantly kept there. There having been disputes between the two Provinces of South and North Carolina, in relation to ye boundary line between them, we take leave to propose that the line be run according to the 121st Article. We have inserted the 125th Article at the request of the merchants trading to South Carolina *etc.* We have made no other additions or alterations in these Instructions nor in those which relate to the Acts of Trade, than such as your Majesty has already been pleased to approve in former Instructions to your other Governors in America.

281. ii. H.M. Instructions to Robert Johnson, Governor of S. Carolina. 124 Articles, as described in preceding. Article xix. Whereas We have been at a considerable charge in purchasing the Sovereignty of the Provinces of South and North Carolina, together with seven eighths parts of the land thereof, from the late Lords Proprietors, and have actually paid them in consideration of seven eighths parts of quit rents only, alledged to be due and in arrear to them from the inhabitants of Our said Provinces the sum of 5000*l.*, Now as a farther mark of Our royal bounty and fatherly indulgence to Our people under your Government, We do hereby impower you to give your assent to a law for remitting the said arrears, provided the Assembly do by the same law repeal the act to *ascertain the prices of land etc.*, and do thereby provide that all possessn. of land in Our Province under your Government do forthwith register the respective grants by which they claim such lands, in the office of Our Auditor General or his Deputy, a copy of which register, and of all grants to be made for the future you are to send to Us and to our Commissioners for Trade *etc.*, and

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that every person possessing land in the sd. Province, by virtue of any grant from the late Lords Proprietors, do for the future pay to Us, Our heirs and successors, the annual quit rents reserved upon such grants respectively in Proclamation money. *Article XX.* And whereas there is at present a certain act in force *for calling in and sinking the paper bills*, and part of the produce of the duties imposed by the said act is applicable for and towards the discharging and sinking of the bills of credit now current, and it hath been represented to Us, that it would be a great encouragement for the more speedy and effectual settling of Our said Province if the Assembly were permitted for the space of seven years to apply the produce of such revenue arising from that act as are now appropriated to the discharge of the old bills of credit to the charge of surveying and laying out townships, and to ye purchasing of tools, provisions and other necessaries for any poor Protestants that shall be desirous to settle in Our said Province: We are graciously pleased to comply with the request of the planters and merchants in this particular, and you are hereby empower'd to give your assent to a clause in some act for suspending the first design of the aforementioned act, and for applying the said sinking fund for the space of seven years to the purposes aforesaid. Provided always that the Assembly do pass an effectual law to answer the purposes of the foregoing Instruction for registering of grants and regulating the future payment of quit rents in the manner therein directed, and that the clause for this suspension be made part of the same law. But you are to take care that a particular and distinct account be kept of the mony so apply'd by an Officer to be by you appointed for that purpose, who shall annually transmit the same attested by you to the Commissioners of Our Treasury *etc.* and to Our Commissioners for Trade *etc.*, and which accounts shall be first audited by Our Auditor General of Our Plantations, or his Deputy *etc.* *Article xxi.* But whereas great inconveniencies have heretofore happen'd in So. Carolina from the issuing of large sums of paper money without sufficient funds for the gradual repaying and cancelling the same; and whereas several persons as well merehants as planters have lately represented to Us the absolute necessity that some paper mony should be allowed to have a currency in Our said Province, under proper regulations, as well for carrying on the annual services of Our Government there, as for daily

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circulation of trade amongst the inhabitants. Now being desirous to promote the welfare of the people under your Government, We have thought fit, and do hereby empower you to give your assent to an act or acts for the establishing a new paper currency upon such a foot as may best answer the necessities of the Province, and be most conducive to the publick utility thereof. But you are to take care that a clause be therein inserted to suspend the execution thereof, until Our Royal pleasure shall be known thereupon. *Article xlii.* And whereas great inconveniencies have arisen in many of Our Colonies in America, from the granting excessive quantities of land to particular persons, which they have never cultivated; and have thereby prevented and others more industrious from improving the same, more particularly in S. Carolina, where several persons claim a right to many thousand acres, which they have not yet taken up, You are hereby directed to recommend to the Assembly *etc.* to pass an act or acts, whereby the owners of all lands already granted by the late Lds. Proprietors shall be obliged within a reasonable time to take possession of and cultivate the lands by them claim'd on penalty of forfeiture of such right of claim, and to prevent the like inconvenience for the future in all grants of land to be made by you by and with the advice and consent of Our Council you are to take especial care that no grants be made to any person but in proportion to his ability to cultivate the same, and that proper clauses be inserted for vacating the said grants on failure of cultivation or payment of ye quit rents reserved thereon. And as ye most probable measure for your judgement in this particular will be to proportion the quantity of land to the number of persons and slaves in each grantee's family: you are hereby directed not to grant to any person more than 50 acres for every white or black man, woman or child of which the grantee's family shall consist at the time the grant shall be made. But in the laying out of all lands for the future where such lands shall be contiguous to rivers you are to take care that not above $\frac{1}{4}$ part of the land granted shall border upon the river, that is to say, there shall be four chains in depth backwards to every chain in front upon the said river respectively, and so in proportion for any larger quantity, and that a free passage to and from the said river be reserved for the use of all H.M. subjects. (*Diagram annexed*). *Article xliii.* Whereas it has been found by long experience in Our Provinces of

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New Hampshire and the Massachusetts Bay, that ye settling of such persons as were disposed to become planters there in townships hath redounded very much to their advantage; not only with respect to ye assistance they have been able to afford each other in their civil concerns, but likewise with regard to the security they have thereby acquired agt. ye insults and incursions of ye neighbouring Indians. We have thought it for Our service, and you are hereby required to mark out and set apart eleven townships in Our Province on ye banks of rivers, at sixty miles distance from Charles Town, that is to say, 2 townships upon ye river Alatomahama, 2 on ye Savana river, 1 on the head of Ponpon river, 2 on Santee river, 1 on Watry river, 1 on Black river, 1 on Peedee river, and 1 on Wacomace river. It is Our will and pleasure that each of these townships do consist of 20,000 acres of land to be laid out in square plats of ground, one side thereof to front ye respective rivers, on which they shall be settled. In each of these townships, you shall mark out a proper place for ye situation of a town contiguous to the river where ye township lyes, to consist of so many lots, and each lot of such quantity of land as you shall judge convenient, and to each inhabitant at their first settling there, besides there respective town lots, you shall grant 50 acres part of ye abovementioned 20,000, for evry man, woman or child, of which ye grantee's family shall consist; which grants shall be augmented from time to time, as ye abilities of ye respective inhabitants shall render them capable of cultivating more lands, always taking care to proportion ye profitable and unprofitable land in such manner, that every grantee by ye situation of his land may reap equal advantage, of access to ye river to wch. ye township shall be contiguous; and to ye intent, that land near ye sd. township may not be wanting for ye convenience of ye inhabitants as their substance shall increase, no person except ye inhabitants shall be allow'd to take up any lands within six miles of ye sd. townships respectively to wch. ye sd. townships shall be contiguous. *Article xlv.* It is Our further will and pleasure, that each of these townships, together with all lands on ye same side of ye river lying within six miles of ye sd. township respectively, be erected into a distinct parish, and that when any of the intended parishes shall have 100 householders, they be entituled to send two members to Our Assembly, and to enjoy all such other privileges as do of right, and common usage belong to

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other parishes, in Our said Province. *Article xlv.* And as a farther encouragement to such persons as shall [*be*] dispos'd to settle in these townships, We are graciously pleas'd to allow ye inhabitants thereof a right of common and herbage, in and through all such lands contain'd within ye extent of ye sd. townships respectively as shall not be taken up by particular grants made to ye sd. inhabitants. And that a quantity of land not exceeding 300 acres contiguous to ye sd. town shall be set apart for a common in perpetuity to each of ye said towns, free from quit rent. And it is Our will and pleasure that you do with all convenient speed lay out these townships, and that no person claiming a right to take up land in South Carolina by former grants from ye late Lds. Proprietors, be allow'd to take up lands within six miles of these townships by virtue of such grants. *Article xlv.* And whereas We have been informed that the number of white men in Our said Province bears so small a proportion to that of ye blacks, which is not only a hindrance to ye peopling and settling the same, but may be also of dangerous consequence from ye attempts of an enemy and even from an insurrection of ye negroes. It is Our will and pleasure that you recommend in the strongest terms to ye Assembly that they pass an act giving suitable encouragement to all who shall import servants into the Province, either men or women; and as an encouragement for white servants to go thither, We are graciously pleased to allow you to grant fifty acres of land free of quit rent for ten years to all white servants men, or women, who shall have served their masters ye whole time of their agreement, and shall be willing afterwards to become planters or settlers in the sd. Province. *Article xlvii.* And whereas by Our Commission, you are empowered to settle and agree, by and with the advice and consent of Our Council, with ye inhabitants of Our said Province for such lands and tenements and hereditaments as now are or hereafter shall be in Our power to dispose of them to grant to any person or persons upon such terms, and under such moderate quit rents services and acknowledgements, to be thereon reserved unto Us, as you by ye advice aforesaid shall think fit. It is nevertheless Our will and pleasure that you do not make any grants of lands to any person whatsoever under a less quit rent than four shillings Proclamation money for every hundred acres, except for ye first ten years to white servants *etc.*, and the like term for

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those who shall undertake to settle the eleven fore-mentioned townships or any of them. *Article xci.* And whereas there is great reason to believe that ye Indians on ye Frontiers of South Carolina who have of late years fallen off from ye British interest there, have been in some measure provok'd thereto, by ye injustice and ill usage, which they have recee'd from our subjects in your Government ; and it being highly necessary for ye welfare of Carolina that a good understanding shou'd be maintained with ye Indian nations, as well for ye promoting of trade, as for ye security of ye frontiers of yor. Government. You are hereby particularly enjoyned to use all possible ways and means for regaining the affections of ye sd. Indians to preserve a good correspondence with such of them as remain faithfull to our interest, but especially with ye Cherikee Indians inhabiting ye mountains on ye north-west side of yr. sd. Province of South Carolina ; and you are likewise hereby directed to recommend in your strongest terms to ye Indian traders to be just and reasonable in their dealing, with ye native Indians, and likewise to propose to ye Assembly, if you and our Councel there shall judge it necessary to pass one or more laws for ye better regulation of ye sd. Indian trade and for ye incouragement and protection of such Indians as shall adhere to our intrest. *Article cvi.* Whereas We have been informed that our fort at Alatamahamah hath been deserted, and that the detachment of Independent Company appointed to guard the same, is retir'd to Port Royal. It is Our will and pleasure, that you do forthwith detach a sufficient number of men from our said Independent Company to keep constant guard at ye sd. fort. But if upon enquiry you shall find ye sd. fort demolis'd or you doe conceive that a fort might be erected in any other place more healthful and equally sufficient [*sic.*] the embouchuer and navigation of ye river Alatamahama, you are hereby empowered to alter the situation thereof but in all events, you are to take effectual care that a fort be repaired or erected, and always kept in sufficient repair, capable to answer the aforementioned purpose, for securing ye navigation of ye said river. (*cix.*) You shall transmit unto Us, and to Our Commissioners for Trade and Plantations by ye first opportunity a map, with an exact description of the whole Province under your Government, with ye several plantations upon it, and of ye fortifications ; and as also, of the bordering Spanish and Indian settle-

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ments. (*cx.*) And in order to prevent any disputes that may arise abt. ye Northern boundaries of Our Province under your government, We are graciously pleased to signify Our pleasure, that a line shall be run (by Commrs. appointed by each Province) beginning at ye sea 30 miles distant from ye mouth of Cape Fear river on ye south-west thereof, keeping the same distance from ye said river as ye course thereof runs, to ye main source or head thereof; and from thence the said boundary line shall be continued due west, as far as ye South Seas; But if Waggaman river lyes within 30 mile of Cape Fear river, than (? *then*) that river to be ye boundary, from ye sea to ye head thereof, and from thence to keep ye distance of 30 miles parralel from Cape Fear river to ye head thereof, and from thence a due west course to ye South Sea. (*cxiv.*) Whereas several merchants of Great Britain trading to South Carolina have complained that by certain acts now in force *etc.* duties are imposed upon negroes imported there, and made payable by the importer, to ye discouragemt. of ye said trade, and have desired the sd. duties may for ye future be made payable by the purchasers and not by ye importer, submitting nevertheless that the importer of his factor shall be security to ye publick for repaymt. of ye said duty, in case of ye purchaser's failure, It is Our will and pleasure that you endeavour to get a law pass'd for explaining and altering the laws for collecting of ye sd. duties on negroes agreeable to the desire of ye merchants. (*cxvii.*) You are likewise from time to time to give unto Us and Our Commissioners for Trade and Plantations an account of ye wants and defects of Our said Province, what are the chief products thereof, what new improvements are made therein by ye industry of ye inhabitants or planters, and what further improvements you conceive may be made, or advantages gained by trade, and which way We may contribute thereunto. (*cxviii.*) If anything shall happen which may be of advantage and security of Our sd. Province, which is not herein or by Our Commission provided for; We hereby allow unto you, with ye advice and consent of Our sd. Council, to take order for ye present therein, giving unto Us, by one of Our principal Secretaries of State, and to Our sd. Commissioners for Trade and Plantations speedy notice thereof, that so you may receive Our ratification thereof if We shall approve of the same, provided always that you do not by colour of any power or authority hereby given you commence

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or declare war, without Our knowledge, or particular commands therein, except it be against Indians upon emergencies wherein the consent of Our Council shall be had and speedy notice given thereof to Us as aforesaid *etc.* [C.O. 5, 400. pp. 283-376].

June 11.
Barbados.

282. Mr. Lascelles, Collector of Customs, Barbados, to Horatio Walpole. My brother having acquainted me that your Excellency was willing to know what number of French inhabitants were on Santa Lucia, what they did there, and how they were governed, *etc.* I am informed, by persons here who frequently go to that island *etc.* that there are now about 140 familys of French subjects settled there who live but poorly. Each family has cleared away the woods round their houses, and live by planting cotton, yams and potatoes, or cutting of wood, there is but one family that has hitherto planted any sugar canes, of which they have made no other use, than to make cool drink of; They are believed and understood to have permissions from the Governor of Martinique, tho' very few of them care to own; and the Governor of Martinique often sends over an Officer to muster them, as to the rest, there seems to be no Government among them *etc.* *Extract. Endorsed, Recd., Read 20th Oct., 1730. 1½ pp. [C.O. 28, 21. ff. 114, 114v., 115v.]*

June 11.
Windsor.

283. Order of King in Council. Appointing William Hayman to the Council of Jamaica *as recommended* 5th June. *Signed, W. Cary. Endorsed, Recd. —, Read 10th Nov., 1730. 1 p. [C.O. 137, 18. ff. 118, 119v.; and 5, 21. f. 11.]*

June 12.
Whitehall.

284. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before H.M. *Autograph signatures. 1 p. Enclosed,*

284. i. *Same* to the King. In order to make such a return as your Majesty might reasonably expect (*in reply to Nov. 12, 1729*), it was necessary for us to wait Capt. Osborn's return from Newfoundland, since which we have had several opportunities of discoursing with him and with ye Lord Vere Beauclerk, Commodore of the Squadron *etc.* We find that he has faithfully discharged the trust reposed in him by your Majesty, by dividing that island into proper districts, and appointing, in each of them, Justices and other Officers, in order to keep the Peace there. The Lord Vere and Capt. Osborn, being again returned to that Island, we shall soon expect from them an account how these new Justices have acted during the winter, and in what manner the inhabitants have submitted to their directions; But till we shall receive this account we

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cannot effectually obey your Majesty's last orders, by representing that further directions are necessary to be given to Capt. Osborn. *Autograph signatures.* 2 pp. [C.O. 194, 23. Nos. 39, 39 i.; and 195, 7. pp. 250-253.]

June 12. **285.** Governor Hunter to the Duke of Newcastle. Acknowledges letter of April 9th, and will do all in his power to assist Mr. Forbes accordingly, *etc.* *Signed,* Ro. Hunter. 1 p. [C.O. 137, 53. f. 217.]

June 13. **286.** Memorial of loss and damage sustained by Thomas Gibbs, Joseph Wakeley, Whitchurch Phippen and Henry Parker, of Bristol, merchants, owners of the *Westbury* galley and her cargo of 169 slaves and 400 lbs. weight of elephants' teeth.

286. i. Deposition of Thomas Gibbs that the ship and cargo were worth 4000*l.* and that enclosed is a true account of proceedings at their condemnation *etc.* London, 13th June, 1730. Thos. Gibbs. *Copy.* 2½ pp.

286. ii. Proceedings at the trial and condemnation of above ship and cargo in the Court of Admiralty at Santiago de Cuba, 28th April, 1721. *Copy. Spanish.* 110 pp.

286. iii. Gibson Dalzell to Daniel Westcomb. St. Jago de Cuba, 6th Nov., 1726. Encloses, as requested, above proceedings (No. ii) to be delivered to the owners *etc.* Has obtained an Order from the Royal Audience of S. Domingo to the Governor of Santiago to recover all remaining effects of said vessel and the value of any of the slaves who have died in possession of an inhabitant *etc.* *Signed,* Gibson Dalzell. *Endorsed,* Recd. July 2, 1730. *Copy.* 1¾ pp.

286. iv. Deposition of Jabez Biglow, master of the *Westbury* galley of Bristol, and John Turner, mariner, and Thomas Gibbs, Joseph Wakley, Whitchurch Phippen and Henry Parker, owners. Bristol, 16th Nov., 1723. In her voyage from Bristol to Africa and thence to Barbados and Jamaica, on 21st March, 1720, she was boarded near Cape Artavella by a Spanish guarda costa, the *Bird*, commanded by a Spaniard named George Hughs *etc.* and carried to Hispaniola *etc.* The Captain's real name was Rodderigo and the sloop's Santa Cruce de Padre. Deponent had no orders to trade with the Spaniards, and had not done so. Nor did he break bulk or dispose of any of his cargo at Barbados. John Turner deposed that the Spaniards detained him, Nicholas Billett and Josiah Certain on board their sloop, hoping that he would depose that said

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ship did trade on the Spanish coast. One Nicholas Brown, pilot on board the said sloop, understanding by the men on board the *Westbury* that they did touch at Barbados, and was consigned to one Mr. William Raymond, in case they had there discharg'd, did forge a letter from said Raymond to Jabez Biglow containing orders to him to trade on the coast of Spain. At Barracoe the Captain of the Spanish sloop offered deponent 200 pieces of eight to swear that the ship so traded, and in case he refused, his life should be the consequence, "but that the said Certain, as he did believe and apprehended, was seduced by money and threats to comply." Soon after they arrived at Barracoe, the Governor of St. Jago de Cuba hearing what had been done sent a messenger who was an Indian, to Barracoe, commanding the Captain of the sloop to bring round the *Westbury* in order to examine into the truth *etc.*, which the Captain and mariners refused, but divided the cargo amongst themselves *etc.* Deponent and owners depose that the *Westbury* never traded with the Spaniards, but was proceeding to Jamaica *etc.* Signed, Jabez Biglow, John Turner, Thomas Gibbs, Jo. Wakley, Whitchurch Phippen, Hen. Parker. Copy. 7 pp. [C.O. 388, 89. ff. 94, 94v., 96-97, 99-153, 154, 155-158.]

June 16. **287.** A. Hutcheson to [? Mr. Delafaye]. Mr. Cotton, who has the honour to be your countreyman, procur'd for me the assignment of Sir John Tyrrell's propriety of Carolina, wch. gave me an opportunity of being of some use in the agreement between the Crown and ye proprietors, and all the return he desires is to appoint his kinsman Mr. Wright Chiefe Justice of S. Carolina. Mr. Wright has a grant of yt. office from the late proprietors dureing his life, and there is a proviso in the act of parliament, that all grants of offices from ye proprietors under their seale shall be of the same force, they wou'd have bin if the act had not pass'd ; and altho' this proviso may not amount to a confirmation, it seems to give an equitable claim to the grantees to H.M. favor *etc.* Believes the Duke of Newcastle wil not deny him this favor *etc.* Mr. Wright is a barrister at law upwards of 30 years. Signed, Arch. Hutcheson. 1 $\frac{3}{4}$ pp. [C.O. 5, 388. ff. 24, 25.]

June 16. **288.** Col. Dunbar to Mr. Popple. I herewith send you a decree lately made in our Court of Vice-Admiralty against His Majesty, and the opinion of ye Advocate General upon it and the proceedings at tryal. You see that I am bound to prosecute ye appeal and have been obliged to the Attorney Genll. for joyning with me in the security, so yt. I hope my Lords Com-
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missioners will please to give necessary orders for prosecuting the appeal at home. I was in hopes of sending you 2 other decrees and appeals from New Hampshire, but I cannot find security there for my prosecuting them. I offer'd it to the Judge and Register here by the Attorney Genll., but was refused; all the difficultys are put upon me yt are possible, and I must be obliged to carry some person from hence 60 miles to Portsmouth in New Hampshire to enter in ye security, wch. already has been refused upon a power of Attorney sent thither for that purpose. I have the pleasure to acquaint my Lords Commissioners that on the 8th inst. I had a decree against Dr. Cook for 2002 large logs of white pine. I will send you that tryal *etc.*, but my Lords will be surprised that there is only 100*l.* 2*s.* adjudged to H.M. for all those fine logs, wch. is 12*d.* this country money for each, when they were seized 16 months agoe, they were sawed and destroyed before tryal and my Deputy then consented to have them vallued at ye country price, in hopes of recovering the penalty from ye offender, but now they say the fact was committed soe long since, tho' the cause has been depending by adjournmt., that the King cannot now sue for the penalty. I will next week write to you more at large upon this subject, shall now onely complain of the great abuse committed here in intercepting letters to and fro; about 10 days agoe one Capt. Pittman came in here from London, and with him one Capt. Scutt as passenger, in sorting their letters as usual before comeing to anchor, they both observed a great number of letters and pacqts. for me, there were so many of them that they called them a mort of letters, there went immediatly on board one Green a printer and a servant of Mr. Waldoes who filled his hatt and pockets with letters, whilst ye other brought the bag on shore, and kept it 3 hours before it was brought to ye Office, and out of all the letters I reed. but 4 single private letters. I have consulted ye Advocate and Attorney Genll. upon this abuse, and both tell me there is no remedy, for ye people cannot be compelled to swear against themselves and if I could prove it, there is no penalty, but to sue for damages for letters unknown *etc.* Nothing less than an Act of Parliament can regulate this affair so as to prevent ye future abuse, wch. would add to the revenue of ye post both here and in England considerably. P.S. Mr. Green says that Waldo's young man, one Salter, was rumougeing the letters when he went on board. Signed, David Dunbar. Endorsed, Recd. 23rd July, Read 22nd Oct., 1730. 3 pp. *Enclosed,*

288. i. Proceedings in Court of Vice-Admiralty, Boston, 9th May, 1730, in case of Col. Dunbar *v.* Peter Wyre, on the information of Jeremiah Dunbar that he seized 20 logs all above 24 in diameter, which Wyre said he cut and hauled to his mill on Royal River. This

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evidence not being deemed sufficient, judgment was given that the logs only should be forfeited and the defendant pay costs. Against this decree by Nathaniel Byfield, Judge of the Vice Admiralty, Col. Dunbar moved for an appeal which was allowed *etc.* *Endorsed*, Recd. 23rd July, 1730. *Copy. Signed*, John Boydell, *Regr.* 4 pp.

288. ii. Opinion of Advocate General upon above decree. Boston, 12th June, 1730. The proof of defendant's guilt was legal and sufficient, and the appeal should be prosecuted, not so much to recover the penalties demanded, as to set aside a decree which will otherwise become a precedent *etc.* *Signed*, Robt. Auchmuty. *Endorsed as preceding.* 5 pp. [C.O. 5, 871. ff. 165-173, 174v.]

June 16.
Virginia.

289. Lt. Governor Gooch to the Duke of Newcastle. By the conveyance of the *Greyhound* man of war, who arrived here on the 28th of May, I have the honour of your Grace's letter of the 22nd Jan., and therewith H.M. commands concerning the mutual restitution of ships and effects taken here from the subjects of Great Britain and Spain, of which I have caused due publication to be made. And tho' there has been no Spanish prizes brought hither during the late war, yet as some of the Virginia vessels have been taken by the Spaniards no doubt the owners will gladly pursue the means prescribed by the Treaty of Seville for obtaining reparation. The General Assembly which mett on the 21st of May, still continue their session, and having already prepared some bills which I recommended to them, are now employed in the Lower House in framing a law for regulating the tobacco trade upon the plan I had the honour to communicate to your Grace last year in which they have made a considerable progress *etc.* *Encloses* copies of his Speech and the Addresses, "by which your Grace will be informed of the chief affairs now under deliberation, and of the good harmony there is between me and them, which I shall not faile to improve for H.M. service." *Signed*, William Gooch. *Endorsed*, R. 29th July. *Holograph.* 1 p. *Enclosed*,

289. i. Address of Council in Assembly of Virginia to Lt. Governor Gooch. *Return thanks* for his affectionate Speech, and express satisfaction at his continued care for the good of the Colony; still more eminently displayed by his tender concern to retrieve it's languishing trade *etc.*, by proposing such regulations as unite the interests of the British merchants with theirs, and provide for the service of the Crown by obviating those frauds which have hitherto greatly diminished H.M. revenue of customs on our staple.

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- His choice of a proper season for this important service is no less conspicuous when a peace with Spain is happily concluded *etc.* Assure him of their hearty concurrence in these and the other measures he has recommended to them. It will be their constant care to give H.M. sincere proofs of their untainted loyalty and affection *etc.* *Copy.* 1 p.
289. ii. Address of Burgesses of Virginia to Lt. Governor Gooch. To same effect as preceding. The Governor's Speech in reply. *Copy.* 1 p.
289. iii. Speech of Lt. Governor Gooch to the Council and Assembly of Virginia. Recommends them, upon the occasion of the conclusion of peace with Spain, to consider the regulation of trade and the miserable circumstances their staple is reduced to, and submits a scheme to them, "and since whatever acts you prepare will have no long continuance, if they are disagreeable to the Brittish trade, it is with great satisfaction that I acquaint you, the scheme I now recommend has been already approved at home *etc.* Our Maryland neighbours appear strongly disposed to fall into the same measure." *Recommends* a new bill for *limiting suits on judgments* without the clauses repugnant to the Statute of Great Britain, and an act to *punish felonious burning of tobacco houses and robbers of stores*, "practices now become very frequent and encouraged by allowing the benefit of clergy to such criminals, especially, since so many transported convicts are come among us, who make light of the punishment the law in that case inflicts." *Recommends* to the Assembly payment of John Randolph, their Agent. Praises the character and conduct of the Sovereign *etc.* *Copy.* 3½ pp.
289. iv. Address of the Council and Burgesses of Virginia. Duplicate (*without signature*) of July 24 encl. i. to D. of N. *Copy.* 1 p. [C.O. 5, 1337. Nos. 48, 48 i.-iv.]

June 19. **290.** Mr. Popple to Mr. Fane. Requests opinion on Act
Whitehall. of Pennsylvania *for establishing courts* as soon as possible, *etc.*
[C.O. 5, 1294. p. 11.]

June 19. **291.** H.M. Warrant appointing William Hayman to the
Windsor Council of Jamaica, in the room of Anthony Swymmer decd.
Castle. *Countersigned*, Holles Newcastle. [C.O. 324, 36. p. 220.]

June 19. **292.** H.M. Warrant granting Ralph Gulston leave to fell
Windsor trees in New England in pursuance of his contract with the
Castle.

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Navy Board to supply eight shiploads of New England masts certain, and ten if required in 1731–35 annually, *etc.* *Annexed*,

292. i. Copy of Contract between H.M. Commissioners of the Navy and Ralph Gulston, 24th Sept., 1729, *referred to in preceding*. [C.O. 324, 36. pp. 221–232.]

June 23.
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293. Duke of Newcastle to the Council of Trade and Plantations. His Majesty being desirous to have an exact state of all his Colonies and Plantations in America with such observations upon it as your Lordps. shall judge to be for H.M. service, has commanded me to acquaint your Lordps., with H.M. pleasure that you should prepare a representation, to be laid before him for that purpose; in which you will particularly take notice of the use that the Bahama Islands and South Carolina may be of, to the trade and security of H.M. subjects in those parts. You will please to let this representation be got ready as soon as possible, that no time may be lost in giving such orders upon it, as H.M. shall think proper. *Signed*, Holles Newcastle. *Endorsed*, Recd. 26th, Read 30th June, 1730. 1 p. [C.O. 323, 9. ff 43, 44 v.]

June 23.
Windsor
Castle.

294. Duke of Newcastle to the Council of Trade and Plantations. *Encloses* draught of Instructions for Commissaries appointed in pursuance of Treaty of Seville for their suggestions for additions or alterations. *Continues*:—You will observe that by these instructions the Commissarys are referred to you for information upon several points *etc.*, and accordingly when they were first appointed, I acquainted you with H.M. pleasure, that you should instruct them upon those heads, and give them all the lights and informations you could for the better enabling them to execute their commission, which if you have not already done, you will be pleased to dispatch them, as soon as conveniently you can, or transmit them to me to be laid before the King, that if H.M. approves of them, they may make part of the Instructions. *Signed*, Holles Newcastle. *Endorsed*, Recd. 26th, Read 30th June, 1730. 1½ pp. *Enclosed*,

294. i. Instructions for Benjamin Keene, Arthur Stert, and John Goddard, Commissarys appointed to treat with those appointed by the King of Spain *etc.* (i) You are to see that the Commission of the Spanish Commissary and Commissaries is in due form and agreeable to your own. (ii) In pursuance of Art. vi. of the Treaty of Seville by which Commissaries are to decide what concerns ships and effects taken at sea, to the time specified in Art. v., *etc.*, you will receive from our Minister at the Court of Spain, all papers *etc.* containing complaints made by our subjects of the seizing of their ships and effects at sea by the Spaniards before the time specified, all which have been transmitted to

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him in order to his obtaining restitution and satisfaction *etc.* Complaints hereafter received will be transmitted to you *etc.* You are carefully to examine the grounds and occasions of such seizures *on both sides*, and demand or give satisfaction for the loss sustained. (iii) Whereas by the said *vith* Article it is farther stipulated that the said Commissarys *shall examine and decide according to the Treatys, the respective pretensions which relate to the abuses that are supposed to have been committed in commerce, as well in the Indies as in Europe, and all other respective pretensions in America, founded on Treatys, whether with respect to the limits or otherwise*; We have directed Our Commissioners for Trade and Plantations, to draw up a Representation of all such impositions, and hardships, as have been put upon the trade of our subjects in any of the King of Spain's Dominions, and to deliver the same to you, and upon your arrival in the Court of Spain you are to write to Our Consuls in the several ports of that Kingdom and it's Dominions, to inquire whether Our subjects, residing in, or trading to those ports lye under any difficulties or oppression, contrary to the Treatys, requiring them forthwith to send you an account thereof *etc.*, and settle with the Spanish Commissarys, the manner in which they are to be redrest, according to justice and to the Treatys; As to those hardships and impositions that may have laid upon Our South Sea Company, the Agent of the said Company residing at the Court of Spain will furnish you with an account of them, and you will accordingly state the same to the Spanish Commissarys, and settle with them what redress ought to be given, *etc.* You shall receive, in like manner, any complaints that the Spanish Commissarys may have to make against Our subjects, and if they shall appear well founded, agree that redress be given *etc.* (iv) As to any disputes that may be subsisting, or that may arise, concerning the limits of the respective Dominions of Us, and the Catholick King in America, which so far as has yet been represented unto us, may relate to the limits between Our Province of South Carolina and the King of Spain's Province of Florida; to the right and title to the Bahama Islands; to the right which Our subjects claim, and have for many years exercised of cutting logwood in the Bay of Campeachy; and to that which the subjects of the King of Spain in the Province of Guipuscoa pretend to have, of fishing on the Banks of Newfoundland; Our Commissioners for Trade and Plantations will also furnish you, with an

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account of whatever has come to their knowledge on that head, and will inform you of the true extent of Our possessions in those countrys, bordering upon those of the King of Spain, and you will insist that the limits thereof be settled accordingly; and you will take and [*corrected*, care to] support Our rights and possessions, and the privileges of Our subjects, to which We and they are intitled, by the Treatys subsisting between Our Crown and that of Spain. (v.) And as to any pretensions that His Catholick Majesty may have by virtue of the Treaty of 1721, for the restitution of the ships taken by the English Fleet in 1718 *etc.*, the papers relating to this matter, which will be delivered to you, will we doubt not enable you to prove *etc.* that the said Treaty has in this respect been duly executed on the part of Our Crown, and that if some of the ships by that Treaty to be restored, were not carryed home to Spain, it was the fault of the Spanish Officers, who would not receive them when they were tendered to them by those in whose custody they were. (vi.) You will be under no doubt or difficulty, which are to be the rule of your proceedings, *these being stipulated by the ivth and 1st separate Articles of the Treaty etc.* (vii.) With respect to seizures and detentions, the validity of which may not yet have been sufficiently made out, *you are to collect such cases and settle them with the Spanish Commissarys etc.* (viii.) You shall constantly correspond with Our Principal Secretary of State and Commissioners for Trade and Plantations as to difficulties that may arise *etc.* and (ix.) Our Ambassador, to whom We shall give a Commission to be one of the Commissarys, if, as We have been informed, the King of Spain intends to appoint Mor. Patino, one of his Chief Ministers to be one of his Commissarys *etc.* (x.) You are to sign a report and (xi.) finish your Commission within three years from the signing of the Treaty of Seville, that is to say by ^{29th Oct.}_{9th Nov.} 1732. 20½ pp. [C.O. 388, 89. ff. 81-92, 93v.]

June 24. **295.** Petty expenses of the Board of Trade, Lady day to Midsummer, 1730. (v. *Journal*.) 7 pp. [C.O. 388, 79. Nos. 62-65.]

June 24. **296.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. Request payment for Office expenses and Officers' salaries for quarter ending Midsummer. Account annexed. [C.O. 389, 37. pp. 310-312.]
Whitehall.

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June 24.
Windsor.

297. Governor Johnson to General Ross. *In response to a letter from the Earl of Sutherland expresses his belief that Capt. Sutherland is very capable and deserving etc. (v. 8th May). Begs for his support in inducing the Duke of Newcastle to favour his proposal for another independent Company for Carolina etc. Signed, Robt. Johnson. 1 $\frac{3}{4}$ pp. [C.O. 5, 383. No. 49.]*

June 25.
Whitehall.

298. Council of Trade and Plantations to the Committee of the Privy Council. Enclose following and suggest that similar instructions be sent to the Governors of all Colonies mentioned in the Act for giving further encouragement for the importation of Naval Stores. *Annexed,*

298. i. H.M. Additional Instruction to the Governor of New England and to Col. Dunbar. H.M. is pleased to grant his share of the forfeitures incurred for the future by persons destroying his woods in America to the Informer who shall sue for the same. To prevent collusive agreements with Informers, no informer shall be entitled to said moiety except when the Surveyor General of the Woods or his Deputy shall certify, that he has actually seized the wood or logs for H.M. use for which the respective informations were made. [C.O. 5, 916. pp. 388-390.]

June 25.

299. Claim of Gabriel Lopez, administrator of Joesph Lopez of London merchant, for the value of 1305 cwt. cod fish, and of the ship *Farro merchant* 1800*l.* Said ship was loaded in New England in 1719 and consigned to a merchant at Bilbao, and there seized and sold by order of His Catholick Majesty. Application was made at that time by the British Minister, to His Catholick Majesty's Minister, who gave orders that payment should be made to claimant by the Intendant at Burgos, but he always answered that he had no money etc. *Endorsed,* Original recd. from Mr. Gabriel Lopez, 25th June, 1730. *Copy. 1 p. [C.O. 388, 89. ff. 79, 80v.].*

June 26.
Windsor.

300. General Ross to [? *Mr. Delafaye*]. Recommends Capt. Sutherland etc. (v. 8th May). *Signed, Ch. Ross. 1 p. [C.O. 5, 383. No. 50.]*

June 29.
O.S.
Funchal,
Madeira.

301. Governor Belcher to the Duke of Newcastle. Arrived here in H.M.S. *Blanford* in 12 days from Plymouth etc. In N. England will do everything in his power for the honour and service of the Crown and the benefit and interest of the Mother Kingdom etc. *Concludes:—*I am sorry there's not a cask of good wine to be had in the Island at present, but I have ordered the Consul to send your Grace a hogshd. of the choicest Malmsey in the season which most humbly craves your acceptance etc. *Signed, J. Beleher. Endorsed, R. 20th Augt. Holograph. 2 pp. [C.O. 5, 898. No. 74.]*

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June 30.

July 11.

302. Daniel Hintze to the Council of Trade and Plantations. I have in obedience to your Lordships' orders since my arrival in this country I have applied to several Protestant families subject to the Landgrave of Darmstadt as well as to the Elector Palatine and laid before them the encouragemts. offered by your Lordships to settle in Nova Scotia *etc.* The objections made chiefly proceed from the ill-usage they have mett with by Commanders of ships and other who have carryed them to other settlements then where they intended to goe and sold them for servants *etc.* I have engaged the following, Joseph Granad his wife and six children millwright, James Shibe his wife and one child Carpenter, John Phillip Weller his wife and one child Taylor, John Casper Kock his wife and three sons husbandman who carry with them sufficient substance and are already shipped on board a Newengland sloop *etc.* Several more families are expected down *etc.* I shall wait your Lordships' further instructions *etc.* *Signed,* Danl. Hintze. *Endorsed,* Recd. 6th, Read 7th July, 1730. *Addressed.* *Postmark.* 2 pp. [C.O. 217, 5. ff. 201, 201v., 202v.]

[June].

303. Minutes of Council of the Bahama Islands, 25th Aug., 1729—June 15, 1730. 26 pp. [C.O. 23, 14. ff. 118–130v.]

July 2.

304. Deposition of Samuel Frere, that Lodwick Sprogel deposited following papers with him before his death. Sprogel was a German by birth, but a naturalized subject of Great Britain. *Signed,* Samuel Frere. *Copy.* 1 p. *Enclosed,*

304. i. Memorial of the loss sustained by Lodwick Christian Sprogel, late of Philadelphia, owner of the *Susanna* sloop and her cargo, taken by the Spaniards.

(a) Affirmation of John Owen, Master of the sloop *Susanna*, Philadelphia, 2nd Nov., 1724.

Having regularly cleared from Philadelphia and reladed at Curaçoa, he sailed for Philadelphia, on the 21st July, 1723, in lat. 29°, 49m. long. 68°50m. and discovering a fleet of vessels which he took for pirates, he made sail to escape. But a sloop coming up with him and firing great guns forced him to strike *etc.* The Commodore of this Spanish squadron, called by them the Armadilla, ordered him aboard. His sloop was then plundered, and his register, clearances and papers taken from him, and himself carried into Porto Rica, where he was not allowed to go ashore to make his defence until his sloop was condemned and sold. He and his crew were then put ashore where the Governor immediately committed them to prison. There they were detained 50 hours without any sustenance. He could obtain no other reason for these and many other hardships he and his mates

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suffered from the Commander of the Armadilla, but that he believed deponent had bought his cocoa of the subjects of Spain, nor from the Govr. of Puerto Rica, but that he must take satisfaction of the Commander of the Armadilla. The Governor did threaten to commit them to the gallys. They were detained as prisoners from 18th Aug. to 15th Oct., and then were under a necessity of purchasing their liberty from the Governor, which with other necessary charges amounted to 180 pieces of eight. During the said voyage of the *Susannah* neither he nor his crew traded directly nor indirectly at any post, nor with any person belonging to the King of Spain, but only at Curaçao aforesaid etc. *Signed*, John Owen. *Copy*. 9 pp.

304. ii. Deposition of Isaac Cox, apprentice to John Owen. Philadelphia. 2nd Nov., 1724. *Signed*, Isaac Cox. *Copy*. 2 pp.
304. iii. Deposition of John Owen, Robert Sample, Peter Mann, Isaac Cox. St. Thomas. $\frac{26}{15}$ Oct. 1723. *Repeats* No. i. The cargo in cocoa, indigo and money was worth 3000 pieces of eight prime cost and the sloop 400*l*. etc. The money for our clearings pass and victuals in Porto Rico (*v. enc. i.*) was paid by an Irishman, James Lynch. *Signed*, John Owen, Robt. Sample, Peter Mann, Isaac Cox. *Copy*. 4 pp.
304. iv. Passport by the Governor of Porto Rico for John Owen and his three companions to sail to St. Thomas etc. Sept. 23, 1723. *Copy*. *Spanish*. 1 p. [*C.O.* 388, 89. *ff.* 31-39, 40.]

July 2.

305. Deposition of Samuel Frere of Saint Swithin Lane, London, merchant. Deponent for many years well knew, and corresponded with Lodwick Christian Sprogel etc. (*v. preceding*), and about 5 years since received from him the parchment writing hereunto annexed, etc. *Signed*, Samuel Frere. 1 p. *Enclosed*,

305. i. Samuel Frere to the [*? Council of Trade and Plantations*]. London. 1st May, 1730. Anthony Morris of Pensilvania did send me some years ago the inclosed affidavit etc. The value of the sloop and cargo is supposed at 4583 ps. of eight etc. *Signed*, Samuel Frere. $\frac{3}{4}$ p.

305. ii. Affirmation of James Wilkins of Philadelphia, mariner. 26th Nov., 1725. Master of the *Sarah and Mary*, Anthony Morris of Philadelphia owner, he loaded at that port divers goods of said Morris and of Lodowick Sprogel etc., and having cleared and obtained a register etc., sailed for Curaçoa, where, having disposed of his cargo, he reladed with cocoa,

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pieces of eight and a few pistoles, and no other goods but such as are lawful *etc.*, and sailed with a clearance from the Governor for the Island of Bonair also subject to the States of Holland. Having loaded some salt, the produce of that island, he sailed directly for Philadelphia. On 17th March, 10 leagues from Hispaniola, he was chased by a sloop, which by the discharge of great guns and some arrows compelled him to strike his colours which were English. He was ordered aboard the sloop, *etc.* As he was getting on board her, he received a great blow on his head with a cutlass, and then was stripped of his coat, hat and silver shoe buckles. He was examined by the officers of the sloop, who were Spaniards commanded by a Spanish mulatto whose name he could not learn, nor the name of their vessel, but that she was Spanish having on board Spaniards, Indians and negroes *etc.* Upon affirmant's demanding by what authority they took him, the Spanish Captain directed the point of his sword to affirmant's breast and answered that was commission enough for him adding "God damn you hold your tongue or I'll run you thro'." Some of the Spanish officers confessed the sloop belonged to the Havana, and that they were a guard de la costa *etc.* They anchored at a small island, Savona, one league from Hispaniola, and demanded what money affirmant had. Two of them beat him, and throwing a rope about his neck, threatned to hang him if he would not discover what he had on board. Among many other violences, the Spaniards inflicted a very deep wound quite to his thigh bone, and thereupon he shew'd 700 pieces of eight silver and 4 pistoles gold, all wch. they took. Then they cut and much bruised this affirmant with cutlasses by the Spanish Captain's order, because he had not discovered the mony sooner. They seized the sloop with all her stores and cargo, *etc.*, at a moderate estimate of the full value of 4583 pieces of eight. After affirmant and three of his men had been detained by the Spaniards on board their sloop about 29 days, being in the mean time striped of their cloths almost famished and very inhumanly treated, they set the three men upon St. Thomas *etc.* Two Spaniards took affirmant in a canoe near the shore and obliged him to leap into the sea where he was much bruised and in great danger to be dashed to pieces against the rocks. They discharged a swivel gun loaded with many small bullets at affirmant and his three men that were standing together near some of the inhabitants of the island. The shot missed

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them but fell among some sugar canes that grew near, in which it cut down a wide lane. The Spaniards detained the mate and carpenter of the sloop who, affirmant has been informed, are both dead of the barbarous usage of the Spaniards, and particularly that the mate was killed *etc.* *The original was endorsed,* This parchment writing was produced by Samuel Frere at the time of his examination, July, 1730. *Copy.* 6 pp. [C.O. 388, 89. ff. 42, 43, 44-46v.]

[July 2]. **306.** Memorial of loss sustained by James Hutchens decd. master and part owner, and by Robert Harris, part owner, of the *Wilford* galley seized by the Spaniards at Malaga, 12th Sept. 1718. With deposition by Robert Harris, July 2, 1730, and papers relating thereto. 7 pp. [C.O. 388, 89. ff. 160-163.]

July 3. **307.** Deposition as to loss sustained by James Porten of London, Esq., Mathew Martin of Colechester, Esqr., and Charles Eyres of London, merchant, part owners of the ship *Parthenope*, Robert Beale master, taken by a Spanish privateer, 7th April, 1727, and condemned at Malaga, upon a voyage from London in ballast to Newfoundland to lade fish for the Streights, and valued at 2000*l.* *etc.* With depositions by James Porten, Robert Beale, Humphry Crips, James Taylor as to bills of lading, and copy of proceedings at trial at Malaga *etc.* 27 pp. [C.O. 388, 89. ff. 164-169, 170-173, 174-175, 176, 177-178v., 180, 180v.]

July 3. **308.** Memorial of the loss sustained by Daniel Vincent, late master and owner of the *Edith* of London, taken by a Spanish privateer on the coast of Barbary *etc.* *Signed and sworn by,* Danl. Vincent. *Copy.* 3 pp. [C.O. 388, 89. ff. 186-187.]

July 3. **309.** [Dr.] John Stewart to Sir Charles Wager. Wee of this Island have always been vain enough to reckon upon you as our patron at least I have ever found you good-natured enough to bear wth. my thoughts in relation to it. Our late Martial law sufficiently opened our eyes in letting us clearly see as to numbers and circumstances of our people. You are no stranger to the chief strength of our Militia consisting of indented servants and a great part of those professed Papists. Now in case of a foreign enemy what can be expected of those who have neither honr. expectation or property to loose and perhaps their religion as Papists wou'd incline them to go over to the enemy. We are at present threatened by strong bodys of rebellious negroes in severall parts of the island, but particularly att windward near Port Antonio, who have already beaten

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two strong partys that have been sent out against them and if they should now beat a third, wch. is now preparing to be sent against them, it may prove fatall to this Island, for such repeated successes will no doubt encourage all ill-disposed negroes to resort to them from all the settlements in the country, wch. will soon make them a very formidable body, in my opinion, not to be resisted, lett it be observed that the free negroes and slaves that we sent out upon these partys, acted their part much better than the white people, wch. proves my assertion. You will perhaps think my fears represent things worse than they are *etc.*, but if I know myself I never knew what fear was *etc.*, I am resolved to dye in the feild with my sword in my hand rather than see so dismall a scene as must follow soon after a generall defeat. Notwithstanding all these appearances our Assembly cannot be brought to think of the only method that can be for our security agst. both a foreign and domestick enemy, that is, to petition for two full regiments wch. in reallity wd. be a less expence than we are att att present in maintaining partys, hitherto to no purpose; but in justice to our Assembly I must say this was lost only by the Speaker's casting vote, the charges of our partys now being 1000*l.* pr. month. We have it's true a brave old soldier for our Govr., but wt. can he do without men or mony. If his advice had been pursued in building barracks at proper distances thro' the mountainous passes of the Island, the rebellious negroes had been destroyed before this *etc.* I trust our King will not run the risque of loosing so valueable an Island and will even save us against our will. If I were not interested in the affair of Port Antonio I cou'd affirm that the settling of that place is the only way of rooting out the rebellious negroes from that part of the country. My hearty service to good Lady Wager and all friends with you att Parsons Green. P.S. I have not heard lately from my brother Rigby. I hope he is well. *Signed, John Stewart. Addressed. Postmark. Holograph. 2½ pp.* [C.O. 137, 53. ff. 219-220v.]

July 4.
Whitehall.

310. Order of King in Council. Approving Additional Instruction to the Governor of New England and Col. Dunbar as to H.M. share of forfeitures *etc.* As No. 298 i. and ordering that similar instructions be prepared for the Governors of all the Colonies named in the Act *for giving further encouragement for the importation of naval stores.* *Signed, Ja. Vernon. Endorsed, Recd. 15th July, Read 13th Aug., 1730. 1 p. Enclosed,*

310. i. Draught of Additional Instruction referred to in preceding. *Copy. 1½ pp.* [C.O. 323, 9. ff. 47, 48, 48v., 50v.]

July 4.
Jamaica.

311. Governor Hunter to the Council of Trade and Plantations. Since I had the honour of writing to your

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Lordships by the *Plymouth* man of war, the Assembly have met according to their adjournment to finish what could not be done at their last meeting, towards the security and strength of the Island. They have now business enough before them, for a little before their meeting, I had advice from the North side, that the party consisting of ninety five shott, and twenty two baggage negros sent out at the request of that House by their Address to me number (i) “for distroying the principal settlement of the slaves in rebellion, having march’d undiscover’d in sight of that settlement, by an error in the commanding Officers in putting off the attack till next morning, they were discover’d by break of day, surrounded, and routed, fifteen kill’d or taken, many wounded, and the rest return’d to Port Antonio *etc.* Refers to enclosures ii.—vii. Continues:—In my humble opinion that party (v. No. vii) is not sufficient considering the numbers, arms and situation of the rebels. The whole Council and many of the Assembly were for more effectual measures for the security of the Island, and dislodging, or distroying these Rebels; but the House being divided, and some of the Members occasionally absent, the Question mark’d number (8) was rejected by the Speaker’s vote. Upon this head I think it my duty to send the information upon oath of some persons who have been on the Spanish coast lately, marked number (9 and 10), confirm’d by the general report of our masters of sloops who have been at the South Keys, which persuades me, as I believe they will your Lordships, that the Spanish design on this Island was real, and the measures to put it in execution stronger than what we apprehended. That by the vast number of arms, and quantity of ammunition, it is past doubt that the rebels have a secret correspondence within the Island, or from abroad, perhaps both. A Law is preparing to put a stop to all such within the Island. It will appear by the lists of the people of all kinds, free, and slaves when perfected; for as yet I want the accounts from most of the Parishes, that in case of any future rupture, this important island is in a defenceless condition, for tho’ I have by procuring some good laws for the better arming those we have, and have repaired the old Forts, and am now carrying on some new, put our indifferent Militia into a better order and discipline, than I found it, and got some good laws and resolves pass’d for the better peopling the Island; which is a remedy very remote from our present exegency; notwithstanding all this, I say, considering the small proportion our white people bear to the black, not being as far as I can compute hitherto, that of one to twenty; the exemption by law of great numbers from ordinary military duty and discipline, which will make such of little use, the number of the invalids or incapable, and what I think worst of all the number of white servants, of whom much the greater part is not to be trusted with arms; This

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Island is utterly insufficient to defend it's self in such an event. To shew the importance of this Island I beg your Lordships will cast an eye on the paper marked number (11), this calculation is not so exact as I hope I shall be able to make it hereafter, but I assure your Lordships that the articles are rather under than over rated. This considered, its situation with regard to a heretofore most advantageous trade which I will not name, the dependance the Northern Colonys have upon it for their very being; for the other Sugar Islands if this were gone must quickly follow, and it's great use in case of a war with any powerfull neighbours, I cannot doubt but your Lordships will be of opinion, if either from its present inability or the prevalence of a peevish or perverse party, and the indolence or inadvertency of others nothing can be done effectually by the Legislature here for its safety, that it is requisit that some measures be taken at home for that purpose. It has not hitherto been in my power to send your Lordships full and satisfactory answers to the Queries formerly sent, having as yet received no more than five of the accounts from the parishes. I inclose however one of them marked number (12) to shew your Lordships the method prescribed, in order to an exact information of the strength, welth, and number of the whole. I hope in a little time to be able to send them compleat. The Assembly having voted no more than 3000*l.* this currancy for finishing the Fort at Port Antonio, I am persuaded that sum will not be sufficient for that purpose. We are in the mean time going on as well as we can in preparing and laying in materials for that use, and when that fund has gone as far as it can go with the best oeconomy, we must either trust to the benevolence of a future Assembly, be assisted from Home, or go on very slowly by means of what may be saved hereafter out of the ordinary yearly allowance for the expense of fortifications, which is at this time exhausted. Admiral Stewart is now there in good health, very busie in making the King's Island of use to his shiping; but he is of opinion that some fort or close battery there will be necessary for the security of the stores, and store houses, as well as the better defence of the harbours; but where we shall find a sufficient guard for these forts is a difficulty I cannot as yet solve. Pursuant to H.M. sign manual to me directed, Mr. Attorney General has been sworn into the Council. There is still a vacancy by the death of Col. Swymmer; Col. Price formerly recommended is since dead, and it is not an easie matter for me to comply with the letter of my Instructions, to send a list of twelve whom I judge duly qualified for that trust; for that 'twill be difficult to find out such a number, that are willing to accept of that seat, and whose residence is not too remote for their attendance. To the short list formerly sent I beg leave to add William Gordon, George Ellis, Gersham Ely, and John Hudson Guy Esq. Since

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the Assembly met last they have pass'd only two Acts, one for fitting out partys against the rebellious negros, the other for raising 6000*l.* to defray the charge of the said partys. They have several other bills upon the anvil which when perfected they shall be transmitted to your Lordships together with those already pass'd. *Signed*, Ro. Hunter. *Endorsed*, Reed. 12th, Read 29th Sept., 1730. 6 pp. *Enclosed*,

311. i. Address of the Assembly to Governor Hunter, 18th March, 1729(30). Request him to order out a party to suppress the several rebellious negro settlements near Port Antonio, whose incursions obstruct that settlement *etc.* *Signed*, Tho. Beckford, Speaker. *Same endorsement.* 1 p.

311. ii. Examination of Nicholas Plysham before the Governor and Council of Jamaica, 18th June, 1730. Examinant on 28th May last with Capt. Soaper and Tho. Ascroft with the partys under their command consisting of 95 shott and 22 baggage negros sail'd from Port Antonio to Plumtree Bay and next day marched to Mr. Hobby's open ground, six miles distance, and next day marched into the mountains south easterly, crossing a river several times and halted that night on the top of a mountain. The 31st they marched further S.E. *etc.* On Munday 1st June, they marched into an old deserted town, where they rested that night and cut down all the bonana and plaitain trees. The next day they marched for two days and nights along the river under the foot of the N. side of the Blew Mountain, and lay upon the side thereof that night. The 5th and 6th of June they marched along the Blew Mountain and about noon of the 6th came in sight of the negro plantation lying in a valley S.E. from them a full day's march. On the 7th about noon they entered the rebels' plantation, but about a mile's distance from it they fell in with some broad roads, particularly one leading up to the Mountain, which they took to be a road for bringing down timber. And they march'd on till three a clock thro the bushes along the side of the open ground where he saw some stragling negros diging provisions *etc.* At three or four o'clock in the afternoon Capt. Soaper geting up upon a tree saw the town in a bottom upon a river about a quarter of a miles distance *etc.* Examinant, Lt. Tudor and others asked Mr. Soaper if he would not immediately enter the town, the men being then generally willing and forward to do it, to which he reply'd that it would be more convenient to ly perdue till midnight, and then to surround it and enter it before day, upon which they lay there quiet for about

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an hour, when they heard children crying out the *Backarah* come, whereupon this deponent and several others declared they were discover'd, but some of the rest said they only call'd out that Tatta was come which occasioned Mr. Soaper and Examinant to go up the same tree again when they discover'd negros mostly women to the number of about 100 running away with loads and a great many children up the opposite mountain, where there seemed to be a broad road: upon which Soaper ordered them to march down to the town *etc.* They came to the edge of a precipice just over the town, and Soaper thinking there might be some difficulty in getting down ordered them to stay there that night and about eight at night he ordered them to fire off their pieces (as he said to clear their arms) which they did in three vollies. About 9 or 10 (the rebels continuing beating their drums) one of Col. Nedham's negros belonging to the party called out to the rebels to send home his master's negros, and was answered by the rebels that they would not *etc.* At dawn Capt. Soaper ordered about 20 men to march down the precipice to the town as an advanced party. And upon their getting down the negros that lay in ambush fired upon them, upon which Soaper called to them to return *etc.* Examinant perceived that they were surrounded by the negroes who fired from all parts, whereby several were wounded and two killed *etc.*, which fire the party returned and continued firing at each other for about two hours and seeing the negros got ground of them Soaper ordered the wounded and lame to retire down to a river, which they attempting to do were surrounded by other rebels which he believed lay there in ambush, upon which the wounded returned to the body (but 20 of the negros belonging to the party made their escape) and with the rest of the party retired into the bushes. The negros pursued no further, but fired volleys and huzza'ed. Upon which the party to the number of 46 returned the same way they went *etc.* The rebels that attacked them were near 300. *Signed, Nich. Plysham. Same endorsement. Copy. 2 $\frac{3}{4}$ pp.*

311. iii. Examination of Capt. Samuel Soaper before the Governor and Council on above events, 25th June, 1730. *Signed, Saml. Soaper. Same endorsement. Copy. 2 $\frac{3}{4}$ pp.*
311. iv. Examination of Capt. Ascroft before the Committee of Assembly, 18 June, 1730. *Same endorsement. Copy. $\frac{3}{4}$ p.*

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311. v. Governor Hunter's Speech to the Council and Assembly 17th June, 1730. Recommends strengthening of Militia. *Refers* to above disaster. *If the accounts he has received are verified, it appears to be the effect of something worse than cowardice. His view has always been that the proper way to reduce the rebels is to establish posts in the several passes of the mountains in easy communication with the settlements etc. Reminds them of the general decay of credit, one cause of which is the arbitrary value of their coin. If no steps are taken to ascertain it in accordance with his former proposals, he will have to put the Act of Parliament for that effect in execution etc. Copy of The Weekly Jamaica Courant, No. 688, June 24, 1730, containing above. Jamaica, Printed by M. Baldwin, 1730. Price one bit, or 7. 6. per quarter. Same endorsement. 4 pp.*
311. vi. Address of the Assembly to Governor Hunter in reply to preceding. *Regret* failure of expedition and agree that it was due to something worse than cowardice. Will proceed in the affairs now before them with the utmost harmony and vigour *etc. Same endorsement. Copy. 1½ pp.*
311. vii. Resolution of Assembly 19th June, 1730, confirming resolves of Committee of Council and Assembly, for the raising of parties to reduce the rebellious negroes. *Same endorsement. Copy. 1½ pp.*
311. viii. Resolution of Committee of Council and Assembly, 19th June, 1730, "that it was absolutely necessary to think of securing the Island in case a rupture should happen with any of our neighbours, and that therefore it would be necessary either to apply for a body of troops, or to fall into some more effectual measures, than had been hitherto done for rendering the Militia more useful." To which the House disagreed. *Same endorsement. Copy. ½ p.*
311. ix. Deposition of John Tello, 18th June, 1730. When at Panama and Porto Bello, deponent was informed by the Father Confessor of the Governor of Porto Bello that there were 30,000 rebellious negroes in Jamaica, and that they had written to the Governor of Caicas, (? Carracas) offering to put the island into the possession of the King of Spain, if he would grant them their freedom. The Governor sent a sloop with a negro messenger in reply *etc. Signed, Jno. Tello. Same endorsement. Copy. 1½rd pp.*
311. x. Deposition of Capt. William Quarrell. 23rd June, 1730. Deponent on a trading voyage to Cuba told some Spanish merchants that in seven years time we

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should have no more occasion for their mules, for this country would breed sufficient. They answered, that in less than half that time the Island would be theirs, quoting above story (*No. ix*). *Signed*, Wm. Quarrell. *Same endorsement. Copy.* 1½ pp.

311. xi. A calculation of the exports from Jamaica to Great Britain. 25,000 hhds. of sugar at 12*l.* ster*l.* Rum, 42,000*l.*, 50,000 cwt. ginger, 20,000*l.* *Total value*, (besides cotton, fustick, indigo, piemento, ebony and lignum vitæ), 362,000*l.* ster*l.*, paying 201,000*l.* duty and excise in Great Britain, and 84,834*l.* freight. 100,000 negroes valued at 25*l.* each; 200,000 head of cattle at 5*l.* each; sheep and other stock 20,000. 400 sugar works at 1000*l.* each. *Same endorsement.* 1 p.

311. xii. List of inhabitants of parish and precinct of St. Andrew. White men, 275; women, 117; children, 85; Free Negro, Indian and Mulatto men, 6; women, 14; children, 14; slaves, 7220; cattle, 5115. *Same endorsement.* 1 p. [*C.O.* 137, 18. ff. 78–80*v.*, 81*v.*, 82, 83*v.*–88, 89*v.*–92*v.*, 93*v.*–94*v.*, 95*v.*, 96, 97*v.*–98*v.*, 99*v.*–100*v.*, 101*v.*–103*v.*]

July 4.
Jamaica.

312. Governor Hunter to the Duke of Newcastle. Encloses following, in order to save his Grace the trouble of a similar long letter *etc.* *Signed*, Ro. Hunter. *Endorsed*, R. 13th Sept. 1 p. *Enclosed*,

312. i.–xiii. Copies of preceding letter and enclosures. [*C.O.* 137, 53. ff. 221, 222*v.*, 223, 225–226, 227–228, 229, 231–233*v.*, 235, 235*v.*, 237, 239, 239*v.*, 241, 243, 244, 245–247*v.*]

July 6.
London.

313. Jean Pierre Purry to the Council of Trade and Plantations. Offers to settle 600 Swiss in Carolina in six years time, if granted a barony of 12,000 acres free of quit rent for some years, *etc.* Cf. C.S.P. 24th March, 1729 *etc.* *Signed*, Jean Pierre Purry. *Endorsed*, Recd., Read 9th July, 1730. *French.* 1 p. [*C.O.* 5, 361. ff. 127, 128*v.*]

[July 7].

314. Memorial of John Yeamans, Agent for Antigua, to the Council of Trade and Plantations. By an Act of Antigua of 1715, all Courts of Chancery for the said island consist of the Captain General or Governor in Chief and five or more of the Council of the Island *etc.* Great delays have been occasioned by frequent and long absences of the Governors. There has been no Court of Chancery held there for three years purely through the absence of the Chief Governor to the insupportable delay and expense of such as have law-suits depending *etc.* The business of the island requires at least four or five Courts of Chancery in a month *etc.* *Prays for the confirma-*

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tion of the Act of 1728, providing that the Lieut.-General, the Lt.-Governor, or the President of the Council, may preside in the Court of Chancery whenever the Commander in Chief of the Leeward Islands is absent from Antigua. *Endorsed*, Recd. 7th July, Read 5th Aug., 1730. $1\frac{3}{4}$ pp. [C.O. 152, 17. ff. 148, 149.]

July 7.
Barbados.

315. Governor Worsley to the Duke of Newcastle. Captain Barnesly Commander of the *Scarborough* man of war, came in here about a week since from Portorico, and Hispaniola, where he went from Antigua with Mr. Dixon, who was authorized by some persons here, as well as at Antigua, to demand the vessells that had sailed from these islands, and had been taken by the Spaniards, since 11th June, 1728. Capt. Barnesly tells me that the Governour of Portorico refused to let the Gentlemen go on shoar, nor had any regard to the King of Spain's schedula, saying that he had not received any orders from the King his master, and that till then he could not admit him to come there. The Governour of Hispaniola received them civilly, and allowed the Gentlemen to come on shoar, and to stay there to make good his demands, for the restoration of the vessells, and that the money was ready when the King of Spain's orders should arrive. Mr. Ashley, Deputy Auditor General here, has set on foot a petition to H.M. (which is signed by himself, and many other Gentlemen) praying (as I am informed) that H.M. would prevent the importation of any sugar, rum, and mellasses from any of the French and Dutch Colonies into Ireland, or the Northern Colonies till those commodities had paid the duty in Great Britain that H.M. subjects in his Sugar Colonies do, or that they may have the same liberty as the French of exporting their improved sugar at a duty of 1 pr. cent., upon exportation directly to any one of the Spanish ports in Europe, without first importing them into England. 'Tis most certain that the trade from the Northern Colonies, to the French and Dutch Colonies, for sugar, and mellasses is very prejudicial to this island, which has encouraged the Northern Colonies to set up many still-houses for the making of rum, which in course must make the price of rum of H.M. Sugar Islands fall, and many vessells load from St. Lucia with sugar for Ireland, and so I am told they do from hence by clearing out for Newfoundland, or the Isle of Man. The trade that is carryed on from the Northern Colonies to Martinico is only by permission of the Governour there, tho' by the King of France's edict all commerce with foreigners is prohibited. But the French as well as the Northern Colonies find their advantage by it, sugar at Martinico, tho' not so fine as ours here, yet perhaps as good for the sugar bakers is much cheaper, then the sugars of Barbados, and mellasses is there worth about 4d. p. gallon, and here 9d. and 10d., if they could not export

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there mellasses they must fling it away as they formerly did, when they had no vent for it. I wish the people of this Island, have not given some occasion to the rise of this trade, by passing an act in 1715, which was confirmed 17th Oct. 1717, for the laying a duty of 12s. 6d. for every hundred weight of muscovado sugar, and 1l. 5s. for every hundredweight of improved sugar, which should be imported from Martinico, and other places, not under H.M. subjection, and so in proportion upon several other commodities, which were not of the natural product, growth, and manufacture of some of H.M. Colonies. The occasion of the making of this law, was the great quantity of sugar, mellasses, rum, cotton, ginger, and aloes imported from those places, which it was apprehended would very much lessen the value of the manufacture of this island. Yet it has been observed that the current cash in the island was much more then, than it is now, for as there was then a greater quantity of sugar here, they did not sell their provisions for money in order to go elsewhere for a loading, and provisions were cheaper, and there was more sugar to pay the duty to the Crown here, as well as in England, besides the employing of more ships. This affair has been carryed on by the particular Gentlemen concern'd in it; and indeed if I had been apply'd to I could not have concern'd myself in it, in that by H.M. Instruction, which I publish'd here, such a trade is not contrary to the sense of the Treaties, and that there is no law that prohibits it, unless as to this island the law abovementioned, laying a duty upon sugars brought hither from Martinico etc. by the greatness of the duty may not amount to a prohibition of that trade. Many of the Gentlemen who have sign'd the petition to H.M. have contributed pretty largely by bills of exchange they have given Mr. Ashley, and Mr. Osborne for bearing the expence in carrying on their point, tho' I cant help observing that these Gentlemen, as well as most of the others who have signed the petition, will not pay H.M. tax for supporting the honour and dignity of the Government. Mr. Ashley has recommended Mr. Peter Leheup to be one of their Agents, and has with three, or four more wrote to Mr. Forster to be the other, they gave them each at first 500l. sterling by Mr. Osborn, and Mr. Ashley's bills: the money gather'd upon this occasion is betwixt 2l. or 3000l. The owners of negro's in the three parishes, Christ Church, St. Philips, and St. Josephs, whose Assembly men return'd the lists of those persons who had given in to them the number of their negro's, being so return'd have paid this year their levy of 2s. 6d. pr. head for their negros, tho' but very few of the eight other parishes have paid, nor has the Vestry of St. Michael's, return'd their apportionment upon the inhabitants of the town etc. *Signed*, Henry Worsley. *Endorsed*, R. 27 Sept. Extract sent to Mr. Keene, Oct. 5th, 1730. 5 pp. [C.O. 28, 45. ff. 121-123, 124v.]

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July 7.
Barbados.

316. Governor Worsley to the Council of Trade and Plantations. Duplicate of preceding, *mutatis mutandis*. Signed, Henry Worsley. Endorsed, Reed. 12th Sept., Read 15th Oct., 1730. 5 pp. [C.O. 28, 21. ff. 110-122, 123v.]

July 7.
Whitehall.

317. Council of Trade and Plantations to Governor Hunter. Acknowledge letters etc. of 17th July, 6th Sept., and 12th March. Continue :—We have considered the Act to prevent dangers that may arise from disguised Papists etc.; and altho' we may be of opinion with you that the passing an Act of this nature might have been immediately necessary, yet we think this Act, as to the execution thereof, not free from objection, because every importer of men servants from Ireland, except such as are Protestants or reputed so to be being subject to a forfeiture of 50*l.* many persons from Ireland may incur the same without knowing they were lyable thereto. For this reason we shall not propose this Act to H.M. to be confirmed but shall let the same lye by, till such time as we shall be fully apprized of the effect thereof. Announce appointments of Messrs. Henderson and Hayman (v. March 3 and June 5) to the Council. [C.O. 138, 17. pp. 290, 291.]

July 7.

318. Memorial of loss and damage (1506*l.* 19*s.* 6*d.*) sustained by Daniel and John Tupper of Guernsey by the seizure of the ship *Swallow* and her cargo of fish, on touching at the port of St. Ogne in Spain, Sept. 1718, in her voyage from Newfoundland to Bilboa. Deposition, signed, William Dobree, of London, merchant. Endorsed, Reed. (from Mr. Dobree), 11th Dec., 1730. 3 pp. Enclosed,

318. i.-vi. Papers relating to foregoing. 13 pp. [C.O. 388, 92. (Nos. 14, 14 i.-vi.)]

July 7.
Boston.

319. Col. Dunbar to Mr. Popple. Encloses Attorney General's opinion (cf. 5th and 16th June), which he hopes the Lords Commissioners will order to be prosecuted. "I believe there is no defence ordered to be made, this being a new thing, and the first yt. ever was of the kind; if the fines are decreed for his Majesty, no money is to be expected, the man will follow the precedent of Ben. Norris make a sham conveyance of his estate, and go to prison for a few months, and ye expences of prosecutions lye upon me until I know how I am to be reimbursed. There are so many deficiencies in ye Act that if my Lords Commissioners will pardon me, I will send them home before next sessns. such a bill as will prevent farther abuses. I have talked to the King's Advocate General upon this subject, who has promised to do it for me. I have not yet been able to gett ye other appeals allowed, for objections against the securitys to prosecute them. I believe there will this year be a great disappointment in the loadings of masts for H.M. service, there

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being yet not half one ships loading out of the woods, and large trees cannot be halled but upon snow *etc.* The cause is want of supplies of money to the undertaker by Mr. Waldoe's partner here, who reports that he is to be turned out and sent to Newgate *etc.* If his oath and Dr. Cook's would take away his life, they would make a merit of it *etc.* *Signed*, David Dunbar. *Endorsed*, Recd. 14th Augt., Read 29th Oct., 1730. *Holograph*. 2½ pp. *Enclosed*,

319. i. Attorney General, Mass. Bay, to Col. Dunbar. Is of opinion that, in the case of Dunbar *v.* Peter Wyre, the evidence adduced was sufficient to prove the fact, and that the Judge should have decreed in favour of the prosecution *etc.* *Details*. *Signed*, J. Overing. *Endorsed*, Recd. 14th Aug., 1730. *Addressed*. 2¾ pp. [C.O. 5, 871. ff. 193–196v.]

July 9.

320. Memorial of loss and damage sustained by William Cheshire of Liverpool and Benjamin Foster of Boston, N.E., by the seizure of the *Swallow* sloop and her cargo by the Spaniards in the island of Tortuga in the Spanish West Indies, 15th July, 1717. (2576*l.* 10*s.* N. York money). With proceedings and depositions relating thereto. 29 pp. [C.O. 388, 90. ff. 5–21v.]

July 9.

321. Memorial of loss sustained by Allard Belin and others by the seizure of the ship *Susannah and Mary* at Cadiz in 1718. *Signed* and sworn by, Mary Boucher, Allard Belin, Peter Richier. *With papers relating to same*. *Copies*. 4 pp. [C.O. 388, 89. ff. 188–189v.]

July 9.

322. Deposition of Mary Boucher and Peter Richier, claiming balance of 1152 crowns, 4 reals due on account of the ship *Cocoa Tree*, James Harlow, master, built at Boston for her late husband of Coleman Street, London, bound from New England to Leghorn and seized and impressed at Sello in 1718 into the service of the King of Spain at the rate of 3 crowns per ton per month. *Signed and sworn* by, Marie Boucher and P. Richier. *With papers relating to same*. 15 pp. [C.O. 388, 89. ff. 191–192, 193, 194–195, 196–197v., 199–200v.]

July 9.

323. Deposition of Butler Chauncy, claiming for himself and other owners 1475*l.* 10*s.*, loss by the capture of the ship *William*, built for himself and other owners at Boston, N.E., Peter Jump, master, by the Spanish Barlovento fleet, 7th Aug., 1727, 14 leagues north of Havanna, when bound for the Bay of Honduras for a lading of logwood for Boston *etc.* *Signed and sworn* by, Br. Chauncy. With certificate of capture by the Spanish Commodore, Don Joseph Rocher de la Pena and other papers. *Copies*. 10 pp. [C.O. 388, 89. ff. 202–206v.]

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July 9.
Whitehall.

324. Council of Trade and Plantations to the Duke of Newcastle. *In reply to 6th March enclose following*, "containing as full an account as we have been able to collect of the true state of H.M. title to the island of Sta. Lucia. If the records of this Office had been kept in as good order in former times, as they have been in later reigns, this account had still been more perfect than it is; but from 1666, which was the year immediately preceding the Treaty of Breda till 1685, which was the year before the Treaty of Neutrality, we find few or no entries relating to this matter, except only the Commissions and Instructions of the Governors of Barbadoes for that time, on whose Government this island depended. Whether this defect can hereafter be supply'd from the Paper Office, or any other records, we have not yet been able to discover. But we have the satisfaction to find, that the best French Historians, and their own Ministers agree with our books, in acknowledging our possession of this island in the strongest terms at the two critical periods, which entitle us to a confirmation of our right, by those very Treaties on which the French found their pretensions: And we flatter ourselves, this report alone may be sufficient, without further assistance, to furnish the King's Ministers at Paris with documents and reasons to support H.M. undoubted title to Santa Lucia. The confessions drawn from their own authors and Ministers, we hope, will carry a strong degree of conviction with them; and we have not left any argument of their's unanswered, which has hitherto come to our knowledge. We shall with all convenient speed proceed to the examination of H.M. title to the other islands in dispute; those of St. Vincent's and Dominico will, in some cases, be vouch'd by the same authorities now offer'd on the subject of Sta. Lucia; but they stand upon a very different foundation from that of Sta. Cruz. We shall however fairly state them all *etc.* In the meantime, your Grace may be pleased to lay this Representation before H.M. and receive his commands upon it." *Autograph signatures.* 3 pp. *Enclosed,*

324. i. *Same* to the King. *Recite* order of 6th March and refer to representation of 25th March. *Continue* :— Finding that your Majesty's right to the several islands in contest depend upon different proofs, dates and facts, we thought it our duty to make distinct reports concerning them, and humbly beg leave to begin with what we have collected relating to Sta. Lucia, because the disputes which have lately arisen about that Island, have in great measure given occasion for debating about those of St. Vincent and Dominico; tho' that of Sta. Cruz stands upon a footing something different from the other three.

As the great profit which attended the Spanish discoveries in the West Indies, gave encouragement

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to other Nations to try their fortune in the same way, so none were more early in pursuits of this nature than the English, who have in all times been remarkable for their courage and success in maritime affairs ; and it appears by Purchas his Pilgrims, the most authentic collection of Travels extant in the English language, printed in the year 1625, that three ships employ'd by the Earl of Cumberland, (*appendix i*) a subject of England, sailing to the Antilles, discovered the island of Sta. Lucia in the year 1593, which was about 33 years before the French had settlements in any of the Antilles or Carribbee Islands, and about 47 years before their first settlement in Sta. Lucia ; for Pere du Tertre, one of their best writers, in his *Histoire General des Antilles* printed at Paris in 1667, says, the first settlement the French had in the Antilles, was at St. Christophers in the year 1627, and their first settlement at Sta. Lucia in 1640 ; (*appendix ii*). He mentions their settlement at St. Christophers in the following words, *Mais parce que l'etablissement dans l'isle de St. Christophe a esté comme le fondement de tous les autres etablissements, et que cette isle a été comme la pepiniere qui a fourny toutes les autres isles, c'est ce que m'oblige de commencer par l'etablissement qui s'y fit l'an 1667, sous la conduite de Monsr. d'Enambuc.* This author's relations are frequently vouch'd by the records and royal acts of France and so they are in the present case ; (*ap. iii.*). He says, the English and French took possession of different parts of this island the same day, which must have been some time in the year 1625, but he does not date his settlement till two years after, when a subscription had been taken in, under the protection of Cardinal Richelieu in France, for their support. These subscribers were afterwards known by the name of the French West India Company the first instrument of their Association (*ap. iv*) bears date 31st Oct. 1626, and the settlement under Monsr. d'Enambuc, mention'd in the French quotation, was made in the following year, 1627. It is very probable that at the time of forming this Company, Sta. Lucia was not known in France, (or that they then knew it to be an English Colony) because the Cardinal Richelieu's Commission (*ap. v*) as *Sur-intendant du commerce de France* to Messrs. d'Enambuc et Rossey, which refers to, and bears equal date with the above-mentioned Association, empowers them to take possession of St. Christophers and Barbadoes only, by name ; and in the recital part of that Commission, where mention is made of the Islands which

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the said d'Enambuc and Rossey had discover'd, St. Christophers and Barbadoes only are particularly nam'd. Not many years after the Earl of Cumberland had discover'd the Island of Sta. Lucia, one Sir Oliph Leagh (*ap. vi.*) a Kentish Gentleman, having embark'd some people for the West Indies (where a brother of his had planted a Colony) sixty six of his men, under the command of Capt. Nicholas St. John, landed at Sta. Lucia in August 1605. This proof is also taken from Purchas, whose Travels were actually printed in England before the first settlement, mention'd by Pere du Tertre, to have been made by the French in any of the Antilles or Charribbee Islands : nor is this much to be wonder'd at, considering how early the British subjects were in making settlements even on the Continent of America, under the conduct of Sir Walter Raleigh, and other famous Captains in the reign of Queen Elizabeth. Pere du Tertre takes notice (*ap. vii*) that the English Colony at St. Christophers increas'd much faster than that of the French, and that the English were very early in condition to settle other Islands ; he mentions particularly that of Nevis, and it appears by the books of entries in our Office (*ap. viii*), that Sir Thomas Warner who took possession of St. Christophers the same day that Mons. d'Enambuc landed there, sent likewise an English Colony to Sta. Lucia in 1626, and made one Major Judge Governor of that Island. Perc du Tertre also observes (*ap. ix*) that a Company was form'd in England, under the Earl of Carlisle, for settling the Antilles about the same time that the subscription was taken by Cardinal Richlieu in France for the same purpose, by which we presume, he means some Company previous to the patent by which King Charles I granted all the Charribbee Islands or Antilles to that Earl, bearing date 2nd June in the third year of his reign *anno* 1627 ; the recital of this Patent runs in the following terms ; Whereas Our Well-beloved and faithful Cousin and Councillor, James *etc.* Earl of Carlisle, having a laudable and zealous care to increase Christian Religion, and to enlarge the territories of Our Empire in certain lands situated to the Northward region of the World, which region or islands are hereafter describ'd, which before were unknown, and by certain barbarous men having no knowledge of the Divine power, in some part possess'd, commonly call'd the Charribbee Islands, containing in them these islands following, vizt., St. Christophers, Granada, St. Vincent, Sta. Lucia, Barbadoes, Mittalanea,

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Dominico, Marigalante, Dessuda, Todosantes, Guardaloupe, Antigua, Montserrat, Redendo, Barbuda, Nevis, Statia, St. Bartholomew, St. Martin, Anguilla, Sembrera, and Enegada, and other islands before found out, to his great cost and charges, and brought to that pass, to be a large and copious Colony of English." From this recital, far different from that of the Cardinal Richlieu's Commission to Messrs. d'Enambuc and Rossey, it is plain that the English were not only well acquainted with Sta. Lucia and the other Charribbee Islands, but had actually taken possession of them in behalf of the Crown of Great Britain long before this patent pass'd; and by the Lord Carlisle's Commission (*ap. x*) to Sir Thos. Warner, it is evident that he had taken possession of all the said islands respectively, some time during the reign of King James I (who dy'd 27th March, 1625), as will appear from the said Commission *etc.* It appears by the books of entries in our Office; that in pursuance of this grant, the Earl of Carlisle continued (*ap. xi*) to send several Colonies of English to Santa Lucia in 1635, 1637, 1638, and 1640. These facts were verify'd by affidavits taken upon oath before Commissioners appointed by King James II in 1688, to examine into and report upon his title to the Charribbee Islands, an extract of which report is hereunto annex'd, so far as it relates to this affair, the truth whereof we presume, will hardly be contested, because the French do not pretend to have taken possession of this Island till the year 1640. The French Historians, Pere du Tertre and Pere Labbatt (a more modern author) both agree: (*ap. ii* and *xii*) that the French had no pretensions to Sta. Lucia, before 1640; and Pere du Tertre says expressly, that the English were possess'd of Sta. Lucia in 1639; But that about the year 1640, the major part of the English inhabitants, with their Governor, were massacred by the Indians: He likewise confesses that the English suspected Monsr. du Parquet, then Governor of Martinique, had instigated the savages to commit this act, but that du Parquet had clear'd himself of that charge to Monsr. de Poincy (then Governor of St. Christophers, and Lieut. General of the French in those parts, to whom the Governor of Barbadoes had complain'd) by proving that he, du Parquet, had given the English warning of the savages' design, assoon as he had notice of it; Be that as it may, it is certain that du Parquet, contrary to the law of Nations, to the amity then subsisting between the two Crowns, taking advantage of our distress,

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possess'd himself of this island soon after that massacre. Pere du Tertre says, that finding the English were retir'd from Sta. Lucia (and happy they certainly were, that could retire at that time), Monsr. du Parquet sent thither forty men, and built a fort there; but it is evident the French were not then ignorant of the right the King of England had to this island; for the Governor of Barbadoes having complain'd to Monsr. de Poincy, that du Parquet had engag'd the savages to commit this general murther, he clear'd himself, as hath been observ'd, by alledging that he gave the English early notice of it, which he would hardly have done, if both he and Monsr. de Poincy had not look'd upon the English to have been the lawful possessors of Sta. Lucia at that time. It is very remarkable that this possession, so unjustly acquir'd by the French, happen'd during the troubles of England, and during this unfortunate interval it is that the French value themselves upon a succession of Governors in this island for near twenty years, whilst our Civil Wars and daily Revolutions at home prevented the English from asserting their rights in America; though some unsuccessful attempts were made by the Proprietor, Lord Carlisle, even during that time of confusion, for recovery of his right; for it appears by the report (*ap.* xi) already mention'd that the Earl of Carlisle did send English people thither from Barbadoes in 1644 and 1645, and both Pere du Tertre (*ap.* xiii) and Pere Labat take notice of some endeavours us'd by the English for regaining Sta. Lucia during their temporary possession; Pere Labat (*ap.* xiv) particularly mentions a descent made by the English in the year 1657, when, he says, they were beaten off the island by the French; which is another instance of our having kept up a perpetual claim of right there. But upon the Restoration of the Royal Family, King Charles II hardly found himself settled upon the Throne of his ancestors, before he began to think of vindicating his right in a more vigorous manner. The ancient Proprietor, Ld. Carlisle, having surrendered his patent to the Crown, and King Charles II intending to make Francis Lord Willoughby, Governor of the Carribbee Islands, granted to him in 1662, one moiety of the revenue of the said islands for the term of seven years, in which grant Sta. Lucia, St. Vincents and Dominico are particularly nam'd; and in the year following the said Lord Willoughby's Commission for Governor of the Charribbee Islands having pass'd the Seals; he was particularly instructed to assert

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H.M. right to all the said islands *etc.* (*ap.* xvi). In consequence of these Instructions, an agreement was made with the Indians for the purchase of Sta. Lucia in 1663 (*ap.* xvii), and the said Lord Willoughby sent a regiment of Foot thither from Barbadoes, under the command of Col. Carew in June, 1664, who, being kindly receiv'd by the said Indians, asserted the British right to that island, regain'd our ancient possession from the French, and remain'd for some time Deputy Governor there; as may appear by the Articles of Capitulation between the French Governor of Sta. Lucia and the said Col. Carew, dated the 23rd of June, 1664; as also by Monsr. Seignelay's letter, and by all the proceedings between the English and French Commissaries (*ap.* xxiv-xxx). But because the French in their conferences with Mr. Poyntz upon this subject, assert that, after the massacre of the English, they took possession of this island by consent of the Indian natives, it may not be amiss to observe, that we must undoubtedly have had the like consent even to our first settlements, far more ancient than theirs; but we rather chuse to put the issue of your Majesty's right upon a more solid foundation, an ancient and continued possession, till the same was interrupted in the manner, and at the juncture already mention'd, and that interruption maintain'd by wrongful force, till Col. Carew in 1664 restor'd the Crown of Great Britain to its ancient possession of this Island, at which time the Indian natives in acknowledgement of our title, so far as they had any interest in the soil, delivered solemn possession thereof by twig and turf, after the old English manner, to the said Col. Carew, which we do not esteem as an original grant, for we had already a title of much older date, but as a confirmation or release, upon our being remitted to our former possession; the deed of purchase for this island, sign'd by the Indians, is enter'd in the books of our Office *etc.* (*ap.* xvii). As the regaining our ancient possession of Sta. Lucia by Col. Carew, in the month of June, 1664, is a fact of great importance, so it happens very fortunately, to be attested by the strongest proofs; For, to say nothing farther of the records of our own Office, *quote* Pere du Tertre, Hist. Gen. des Antilles III, pp. 81, 86, 87. *Continue* :—In 1665 Robert Cooke Esq. was Governor of Sta. Lucia, and it was during his government that the French pretend the English sent six Deputies to surrender the said Island again to them (*ap.* xviii), to which fact even Pere du Tertre himself has given a very full answer, namely,

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that the said Governor Cooke absolutely disown'd those pretended Deputies. About this time, the Lord Francis Willoughby dying, was succeeded by his brother the Lord William Willoughby, who being made Governor of Barbadoes in the year 1666, was particularly instructed to streighten, distress and dispossess any of the French King's subjects, who might attempt to possess themselves of the Islands under his Government, as appears by the records and books of entries in our Office. From that time to this day, the island of Sta. Lucia has always been reputed a dependence upon the Government of Barbadoes, and as such has constantly been inserted in all Commissions and Instructions given to the respective Governors of Barbadoes, since that time *etc.* *Quote* 12th Article of Treaty of Breda, upon which chiefly the French have hitherto founded their pretensions. *Continue* :—To apply this article in support of their pretensions, the French say, that in 1640, the English having deserted this Island, Monsr. Diet du Parquet, then Governor of Martinique, took possession of it by consent of the savages, there being at that time no English men to defend it, that he built a fort, and establish'd a succession of Governors there, who kept possession of the island for upwards of twenty years ; that in 1650, the property of this island was sold to du Parquet by the Old West India Company, and in 1664 du Parquet sold that island and Martinique to the French King for 240,000 livres, who being, as they suppose, in possession thereof at the time the Treaty of Breda was made, they conclude that the Crown of France, is, by the above mention'd Article, clearly entitled to the island of Sta. Lucia. That the French under Monsr. du Parquet took possession of this island in 1640, has already been acknowledg'd. It has been fully shewn upon what occasion, and at what juncture of time that possession was taken ; it has been prov'd that both Monsr. du Poincy (who was then Governor of St. Christophers and Lt. General of the French in those parts) as well as Monsr. du Parquet, knew this island belong'd to the Crown of Great Britain, and that the possession taken by du Parquet, was not upon a voluntary dereliction, but upon a massacre committed on the English by the savages, in which du Parquet was suspected to have engag'd them ; it has been shewn that frequent attempts were made by the Proprietor to regain the possession of the said island, and a perpetual claim kept up there, during the twenty years that it was forceably and

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unjustly withholden from him ; It has likewise been prov'd, that soon after the Restoration King Charles II effectually asserted his right, that he retook the said island from the French, by his troops in June, 1664, and that the said King Charles was in possession of Sta. Lucia at the time prefix'd by the Treaty of Breda, for settling the future right to possessions. As the Treaty of Breda was made to put an end to all differences between the contracting powers, so the most equitable rule for that purpose was, that all parties shou'd be put in the state they were in before the war began : and it is evidently the design of the Treaty, that all the contracting powers should hold what they were possessed of respectively on 1st Jan., 1665. Specifick stipulations were therefore made for the restitution not only of such dominions, where the possession was known to have been alter'd during the course of the war, but even for such as were only suspected to have been alter'd ; thus the restitution of the moiety of St. Christophers to the English, was stipulated by the 7th Article, and by the 9th a restitution of a moiety of the same island to the French, in case they had by the chance of war been driven out of it in their turn ; thus also by the 12th Article a provisional restitution is agreed on for the islands of Antegoa and Montserrat, in favour of the English, because it was not impossible that these islands might have been in the possession of the French at the time that Treaty was sign'd. This being plainly the sense of the Treaty it is very extraordinary that the French should call upon us, as they have sometimes done during the course of this contest, to shew that the Treaty of Breda had made a specifick provision for the restitution of Sta. Lucia to the English. We had no occasion for such an Article. We were restor'd to our ancient possession there, before the Dutch war began ; Colo. Carew retook the island in June, 1664 ; and as this restoration to our ancient right, happen'd three years before the conclusion of the Treaty of Breda, it was impossible the French should have been so long ignorant of it, and consequently it will be incumbent upon them to produce a specefick article in their favour, for it is an incontestable fact that we were in possession of this island before, and in the year 1665, and if the French had not been convinc'd that Sta. Lucia belong'd to us, they would not have been so negligent of their own interest, as not to have kept up their claim to it by the Treaty of Breda. Here therefore we might safely adventure to rest the

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issue of this contest, for the Treaty of Breda expressly provides that each of the contracting powers should hold, or be restor'd to, whatever each of those Powers respectively did hold on the first of January, 1665; But on the first of January, 1665, your Majesty's Royal Ancestor King Charles II was in actual possession of the island of Sta. Lucia, and therefore by the Treaty of Breda, as well as by an ancient and almost immemorial right your Majesty is indisputably entitled to the said island. But because your Majesty has been pleased to order us to enable your Ministers at the French Court to answer all such arguments as may probably be offered by the French in maintenance of their title to Sta. Lucia, we shall succinctly deduce the history of this island to the present time. It has already been observ'd, that from the date of Lord William Willoughby's Commission to be Governor of Barbadoes, Santa Lucia has constantly been deem'd a dependence upon Barbadoes, and as such has always been inserted in the Commission and Instructions for that Government since that time. It has been shewn that the Governors of Barbadoes have been instructed to assert the British title to this and other Charribbee Islands included in their Commission; we have seen some instances wherein they have done so, and it is not to be doubted that they have always paid a proper regard to this Instruction. But the first instance we find in our books, of any complaint upon this head from the French, is a memorial from Monsr. Seignelay, bearing date near twenty years after the Treaty of Breda, which gave occasion to the Board in a former report upon this subject, to say that the first claim laid to Sta. Lucia by the French, was in the year 1685, for it was in that year the Governor of Barbadoes receiv'd news of their endeavouring to settle there, from whence they were some time after expell'd; and Monsr. Seignelay's letter upon that subject bears date 19th Nov., 1686. The occasion of this complaint was, that Col. Stede, then Governor of Barbadoes, had in July, 1686, sent one Capt. Temple to Sta. Lucia, with orders to cause all foreigners to remove from thence, unless they acknowledg'd the King of England's Sovereignty over that island: When Capt. Temple arriv'd there, he publish'd the King's title in the presence of such of the French as could be found; and he erected, as a mark thereof, the arms of England in the chief ports, caus'd the French to be remov'd to Martinique, and wrote to the Count Blenac, the French Governor there, to acquaint him with

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what he had done, requiring him not to suffer any persons within his Government to cut wood, plant, fish or hunt on Sta. Lucia, without licence from the Governor of Barbadoes, as appears by Colo. Stede's letter and by depositions enter'd on record in the books of the Board of Trade (*ap. xx*). Count Blenac having complain'd of these proceedings, the abovemention'd office was pass'd by Monsr. Seignelay, the effect whereof was, that King James again asserted his title, and Capt. Temple was a second time commission'd to drive off all foreigners from Sta. Lucia, to demolish their houses, and to destroy their settlements, which he did, and was actually in possession of the island in Aug. 1686 (*ap. xxi*); and in the beginning of Nov. 1686, when the Treaty of Neutrality between the two Nations was sign'd at Whitehall, the King's frigot with a fleet of ships from Barbadoes were cutting timber at Sta. Lucia at that very period of time. Monsr. Seignelay's letter was fully answer'd by the Lords of the Committee of Council for Trade and Plantations. The French pretensions to the island of Sta. Lucia were then built almost upon the same foundation on which they now seem to rely, and the answer then given, pretty near the same with that which we shall now depend upon. The fact complained of by Monsr. Seignelay was committed during the time that the Treaty of Neutrality was in agitation; for in his letter (*ap. xxii*), he says, *Sa Majesté en a été d' autant plus surprize qu' on est (comme vous savez) depuis près d'un an à concluire un Traité de Neutralité entre les deux Nations etc.*; yet not one syllable is mention'd of Sta Lucia in that whole Treaty, which was sign'd the 16th of November, 1686, some few days after the date of this letter, and afterwards ratify'd by both the contracting powers, tho' the French knew, the King of England was then in possession of that island. By the 4th Article of this Treaty, it was agreed that both Kings should hold and retain all they then possess'd in America, (*quoted*). And by the 19th Article, (*ap. xxiii*), the Treaty of Breda is fully confirm'd in all its articles and clauses; from whence we conclude, that as well by the Treaty of Neutrality as by the Treaty of Breda, your Majesty is clearly entitled to the island of Sta. Lucia. That the Treaty of Neutrality was understood to be decisive in that point, appears (*ap. xxi*) by the entries in our Office; for in March 1686-7, Colo. Stede publish'd it in Sta. Lucia, as a dependence on his Government, and caus'd the arms of England to be erected in the most eminent

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places there, by the King's express order. In May, 1687, Commissaries were appointed on both sides, to put this treaty in execution, and to settle the respective boundaries of the two Crowns in America; the Earls of Sunderland and Middleton, and the Lord Godolphin in behalf of the English; Messrs. Barillon and Bonrepos in behalf of the French; and we have in the Appendix (xxiv.-xxx.) annex'd copies of several papers remaining in our Office upon that subject by which it plainly appears upon how weak a foundation the French pretensions to this island stand. We shall only observe upon these papers, that the whole debate at that time roll'd upon the twelfth Article of the Treaty of Breda, (which had been confirm'd by the Treaty of Neutrality), and as Messieurs Barillon and Bonrepos both acknowledg'd that we were in possession of Sta. Lucia in 1664, before the Dutch war broke out, the then English Commissaries thought, as we do now, that the right to that island was indisputably in the Crown of Great Britain; and indeed there is some reason to believe that the French Commissaries thought so too; for notwithstanding they knew us to be in possession of the island, this Treaty ended in a Convention for a general cessation of hostilities between the two Crowns in America (*ap.* xxxi). In April 1688, some French being again crept into the island (*ap.* xxxii), Capt. Wrenn disturb'd their settlements, and asserted the ancient right of the Crown of England. It likewise appears by the report of the Commissioners appointed by Colo. Stede (*ap.* xi), to make enquiry into the King's title to the Charribbee Islands, dated in 1688, that Capt'n. James Walker being some years before, sent by the Governor of St. Christophers to subdue the Indians of Sta. Lucia, St. Vincents and Dominico, for the outrages and murders by them committed on ye King's subjects, and finding some French hunting and fishing upon those islands without licence from the King, or any of his Governors, he drove them from thence; and that after that time the French, in acknowledgement of H.M. right, frequently repair'd to His Governor, for licence and permits to hunt and fish within the limits and bounds of those three islands. Such was the state of Sta. Lucia at the Revolution; and that King William III likewise asserted his right to this Island, appears by the orders sent to Colo. Grey, His Governor of Barbadoes in 1699, for upon notice that some French had employ'd negro's to clear the ground, and intended to make settle-

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ments there, H.M. renew'd the directions formerly given Colo. Stede, to advertise the French and all other foreigners who should pretend to settle on that island, that unless they would remove, they should be dispossess'd by force. Upon which we beg leave to observe, that these orders were given by King William about two years after the Peace of Ryswick; the Instructions for the same purpose sent by King James II to Colo. Stede were likewise in time of peace, and almost all the instances we have hitherto produc'd, of asserting the British right to this Island, have been acts done whilst friendship subsisted between the two Crowns; particularly the embarkation under the command of Colo. Carew in 1664, whereby we regain'd our ancient possession, which was about seven months before the Dutch War begun. We must likewise take notice, that about this time the French grew doubtfull of their ancient pretensions, and began to vary the plan of their title; for we find by a memorial presented to King William in Jan. 1700 by the Mareschall Tallard upon this subject, he places the right to Sta. Lucia in the Charribbean savages, affirming that by some former Treaty that Island and St. Vincents had been allotted them for a retreat; and as the said King had taken the said savages under his protection, His Christian Majesty then demanded those islands might not be possess'd by the English; extracts of this Memorial and of the answer given by the Board of Trade are annex'd (*ap.* xxxiv, xxxv). But what Treaty the Mareschall meant, we cannot conceive, having never yet seen or heard of any such agreement between the Two Crowns.

We shall not enter into anything that happen'd under the reign of Queen Ann, *etc.*, because it is not pretended on either side, that the late war or the Treaty (*of Utrecht*) which put an end to it has in any sort alter'd the state of this question nor do we find any pretensions of this kind reviv'd by the French, during the remainder of that Princess's reign. As the transactions since that time are of so late a date that they can't be alledg'd on either side, in support of a title to the Island, we shall not make a minute recapitulation of them; we shall only beg leave to observe, that his late Majesty had reason to be surpriz'd at the attempt made upon Sta. Lucia by the Marshal d'Estrée about the year 1719, under colour of a grant from the French King, and if his said Majesty to preserve a good understanding between the two Nations, was content to enter into the

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expedient then propos'd by the Regent, *etc.*, till the title to this island should be decided, the French Ministers have no reason to wonder that your Majesty's servants, ever jealous of maintaining your just rights, should upon all informations of any change attempted in this Island, pass the proper offices for redress, more especially considering the constant desire that Nation have shewn to possess themselves of Sta. Lucia, sometimes by open force, but oftner by stealth, which has given occasion for repeated instructions to expel them, and by the Regent's order of evacuation, 6th Feb., 1720, it appears that the French had some families there even before the Marshal [*d' Estrées*] descent. It is very probable these people were drawn thither by the lucre of a clandestine trade with your Majesty's subjects, as may be collected from the Count de Broglio's memorial, and it must be allow'd that Sta. Lucia is very commodiously seated for such a trade, lying contiguous both to Martinico, and Barbado's. We shall not at present enter into the subject of this clandestine trade further than to observe, that it has been far more detrimental in its consequences to the British Colonies than to the French, and ought upon many accounts to be prohibited, but principally because it is this trade chiefly, if not entirely that has drawn the French to Sta. Lucia, and it is very probable, that at this juncture the most Christian King may have more subjects there than your Majesty, for the Governors of Barbados ever since 1674, have been instructed not to encourage any planting nor to grant lands to any person in any of the Caribbee Islands under that Governmt. except in Barbados only, without the King's immediate permission, lest the same shou'd prove prejudicial to Barbados, which has effectually discouraged the English from making regular settlements in Sta. Lucia. We are glad to find the most Christian King is at last seriously disposed to enter into a final discussion of this dispute. We trust this report may furnish your Majesty's Ministers at the French Court with sufficient proofs, and arguments, for the maintenance of your Majesty's undoubted right to the Island of Sta. Lucia, a right of dominion founded on all the grounds and titles whereby property can either be acquir'd or maintain'd; acquir'd by early discovery, settlement and purchase from the native Indians, vouch'd by antient patents, commissions, proclamations and ensigns of Sovereignty; maintain'd by perpetual claim and actual possession; ratify'd and

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- confirm'd by the Treaty of Breda and that of Neutrality. *Autograph signatures.* 38 pp. *Enclosed.*
234. ii. Extract from Purchas' *Pilgrims.* IV. 1146. v. *preceding.* $\frac{1}{2}$ p.
324. iii.-vi. Extracts from Père du Tertre referred to in preceding, vol. I. pp. 434; 5; 8; 11. *French.* $15\frac{1}{2}$ pp.
324. vii. Extract from Purchas' *Pilgrims.* IV. 1255. $2\frac{1}{2}$ pp.
324. viii. Extract from du Tertre I., 22. *French.* $\frac{1}{2}$ p.
324. ix. Extract from reply by Committee for Trade and Plantations to M. Seignelay. $\frac{2}{3}$ p.
324. x. Extract from du Tertre, I. 16. *French.* $\frac{1}{2}$ p.
324. xi. Extract from Sir Thomas Warner's Commission, 29 Sept., 1629. $\frac{1}{2}$ p.
324. xii. Extract of report to Governor Stede by Commissioners for enquiring into H.M. title to Sta. Lucia, 23rd Sept., 1688. $1\frac{1}{4}$ pp.
324. xiii. Extract from Père Labat (1724 ed.), II. 150, 152. *French.* 1 p.
324. xiv. Extract from du Tertre. I. 438. *French.* $\frac{1}{2}$ p.
324. xv. Extract from Labat, II., 151, 153. *French.* $1\frac{1}{4}$ pp.
324. xvi. Extract of grant by King Charles II of a moiety of the revenue of the Charribbee Islands to Francis Lord Willoughby of Parham. $1\frac{1}{2}$ pp.
324. xvii. Extract of Instructions of same, 13th June, 1663. $1\frac{1}{4}$ pp.
324. xviii. Copy of Conveyance by the Indians of Sta. Lucia to the English. $7\frac{1}{2}$ pp.
324. xix. Extract from du Tertre III, 243, 244. *French.* 1 p.
324. xx. Extract of Instructions of William, Lord Willoughby of Parham. $1\frac{1}{4}$ pp.
324. xxi. Extract of letter from Governor Stede to the Lords of the Committee of Council, Sept. 18, 1686. 1 p.
324. xxii. Extract of letter from same to same, 27th May, 1687. 1 p.
324. xxiii. Extract of letter from M. Seignelay, 19th Nov., 1686. *French.* $2\frac{1}{4}$ pp.
324. xxiv. Copy of 19th Article of Treaty of Neutrality in America, 1686. $\frac{2}{3}$ p.
324. xxv. Memorial by MM. Barillon and Bonrepos concerning Sta. Lucia. *French. Copy.* $2\frac{1}{4}$ pp.
324. xxvi. Statement of English title to Sta. Lucia (*v. supra*). *French.* $3\frac{1}{4}$ pp.
324. xxvii. Reply of French Commissioners to preceding. June 15, 1687. *French.* $7\frac{1}{8}$ pp.
324. xxviii. Reply to preceding. *French.* $2\frac{1}{3}$ pp.

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324. xxix. Reply to preceding. $1\frac{2}{3}$ pp.
 324. xxx. Copy of Capitulation of the French at Sta Lucia, June 23, 1664. *French*. $1\frac{1}{2}$ pp.
 324. xxxi. Memorandum as to following copy in the Board of Trade records. $\frac{1}{2}$ p.
 324. xxxii. Extract from the Registers of the Council of Martinique. Supposed to have been delivered by the French during the negotiations of the Commissaries in 1688. A great part of it is in du Tertre I. 575. *French*. 16 pp.
 324. xxxiii. Instrument agreed on with the French Commissaries for cessation of acts of hostility and determining the limits in America, 11th Dec., 1687. *Copy*. $2\frac{1}{2}$ pp.
 324. xxxiv. Extract of letter from Governor Stede, 25th April, 1688. $\frac{1}{2}$ p.
 324. xxxv. Extract of Representation of B. of T., 2nd June, 1709. $\frac{3}{4}$ p.
 324. xxxvi. Extract of Memorial by M. Tallard, 1700. *French*. $1\frac{1}{4}$ pp.
 324. xxxvii. Extract of Representation of B. of T., 12th June, 1700. 2 pp.
 324. xxxviii. Copy of 38th Article of Instructions of Governor of Barbados, 28th Feb., 1674. $\frac{1}{2}$ p. [*C.O.* 253, 1. Nos. 55, 56, 56 i.—xxxvi); and (covering letter only) 29, 15. pp. 136–176.]

[July 9]. **325.** Abstract of preceding report, in *Mr. Delafaye's hand*. *Endorsed*, the original sent to *Ld. Waldegrave*. Nov. 30, 1730. $7\frac{3}{4}$ pp. [*C.O.* 253, 1. No. 56a.]

July 10.
Antigua.

- 326.** Governor Mathew to Mr. Popple. I transmitt by this opportunity to Mr. Yeamans, Mr. Butler and Mr. Beak as Agents for Antigua, Nevis and St. Christophers the publick papers relating to those respective islands, who are to waite upon you with them, for your laying them before their Lordships etc. *Encloses* duplicate of 28th May. *Signed*, William Mathew. *Endorsed*, Recd. 17th Sept., Read 13th Oct., 1730. *Enclosed*,
 326. i. List of enclosed papers. $2\frac{1}{2}$ pp.
 326. ii. Abstract of public accounts of Nevis, 22nd Oct., 1724—8th April, 1730. *Totals* :—Receipts, 6423*l.* 15*s.* 9*d.*; Expenditure, 5211*l.* 17*s.* 10*d.* *Signed*, Edwd. Bridgwater. *Endorsed*, Recd. 17th Sept., 1730. $1\frac{1}{2}$ pp.
 326. iii. Inventory of Stores, Charles Fort, and of stores wanting for Nevis. *Endorsed as preceding*. $\frac{2}{3}$ rd pp.
 326. iv. Numbers of Christenings and Burials within the parish of St. Paul, Nevis, 1721—1729, and fees of Minister (14*s.* island money), parish clerk, 3*s.* 6*d.*, etc. *Same endorsement*. 1 p.

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326. v. Deputies employed by the Secretary of the Leeward Islands. For Antigua, John Catanach; St. Christophers, James Losack; Nevis, Charles Bridgwater; Montserrat, George French junr., 9th March, 1729. *Signed*, Wavll. Smith. *Same endorsement*. 1 p.
326. vi. List of escheats, fines and forfeitures in Antigua, 29th May, 1722—22nd April, 1729. *Signed*, Wavll. Smith. *Same endorsement*. 2 $\frac{1}{4}$ pp.
326. vii. Account of Madera wines and other strong liquors imported into Antigua, 5th Jan., 1727—5th Jan., 1730. *Total value*, 8788*l.* 1*s.* 8*d.* *Signed*, Geo. Byam, Treasr. *Same endorsement*. $\frac{2}{3}$ p.
326. viii. Account of imports, Antigua, 25th Dec., 1720—25th Dec., 1729.

	BEEFE		PORK		BUTTER		HERRING		MADEIRA WINE	
	Tierces	Barrels	Barrels	$\frac{1}{2}$ Barls.	Firkins	Barrels	Pipes	Hhds.	$\frac{1}{2}$ Casks	
1720-1721 ...	27	4758	234	293	1267	551	443	—	3	
1721-1722 ...	343	10828	739	440	2785	699	664	3	29	
1722-1723 ...	98	10651	410	135	975	1315	1038	5	9	
1723-1724 ...	70	9892	319	502	819	709	1381	10	6	
1724-1725 ...	157	8923	298	310	875	1824	939	5	7	
1725-1726 ...	194	8290	773	418	2574	1152	879	3	1	
1726-1727 ...	109	7788	677	312	2228	1798	942	9	10	
1727-1728 ...	208	10818	1626	686	2985	2671	1221	38	5	
1728-1729 ...	179	8329	717	277	3270	814	934	4	17	

	WHITE SUGAR	SUGAR		COTTON		WOOL	GINGER		MOLASSES		COCOA NUTS
	Loaves	Hhds & Tierces	Barrels	Bags	Pockets	Bags	Hhds.	Tierces	Barrels	Bags	
1720-1721 ...	671	207	9	—	—	—	64	15	17	309	
1721-1722 ...	—	—	—	—	—	—	—	—	—	155	
1722-1723 ...	—	—	—	—	—	—	—	—	—	51	
1723-1724 ...	300	26	—	—	—	—	30	—	—	20	
1724-1725 ...	442	481	34	15	2	—	77	1	20	34	
1725-1726 ...	533	2893	374	115	124	293	42	5	38	38	
1726-1727 ...	139	558	52	34	21	279	60	2	4	20	
1727-1728 ...	517	78	12	33	28	1	31	118	9	29	
1728-1729 ...	364	167	6	75	—	—	136	228	17	20	

Signed, Wm. Wayne, Coller. and Naval Officer. *Same endorsement*. 2 pp.

326. ix. Account of Exports from Antigua, 25th Dec., 1720—1729 :—

	WHITE SUGAR			2D WHITE SUGAR		BROWN SUGAR		
	Tierces	Barrels	Hhds.	Tierces	Barrels	Hhds.	Tierces	Barrels
1720-1721 ...	—	—	—	—	—	1460	2619	2190
1721-1722 ...	—	—	—	—	—	4459	5243	2904
1722-1723 ...	—	—	—	—	—	6279	7005	4140
1723-1724 ...	—	—	—	—	—	5395	5527	4018
1724-1725 ...	—	—	12	16	14	7575	7185	4718
1725-1726 ...	21	4	24	129	64	2365	3699	2717
1726-1727 ...	—	—	—	16	—	4953	5090	2832
1727-1728 ...	—	—	6	—	14	12351	8252	4099
1728-1729 ...	—	—	—	27	—	10470	6284	4244

	COTTON		GINGER		LIGNUM VITAE		RUM	
	Bags	Pockets	Bags	Barrels	Sticks	Tons	Pounds	Butts & Pipes
1720-1721 ...	500	1576	2299	101	141	—	—	—
1721-1722 ...	1055	2262	2888	276	140	—	—	1
1722-1723 ...	674	1391	2976	270	—	—	—	8
1723-1724 ...	378	185	2720	103	—	—	—	18
1724-1725 ...	141	522	2466	27	1394	—	—	79
1725-1726 ...	42	317	700	1	1261	12	6800	48
1726-1727 ...	351	1020	1181	44	124	—	—	45
1727-1728 ...	352	842	639	—	—	—	—	65
1728-1729 ...	255	494	919	—	—	—	—	44

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	RUM (Cont.)			MOLASSES			LIME JUICE		
	Hhds.	Tierces	Barrels	Hhds.	Tierces	Barrels	Hhds.	Tierces	Barrels
1720-1721 ...	351	589	174	260	272	32	—	—	8
1721-1722 ...	1129	1274	576	420	499	74	4	0	0
1722-1723 ...	1469	1500	798	473	461	134	—	—	3
1723-1724 ...	1035	960	587	301	234	51	—	—	—
1724-1725 ...	1089	899	770	448	322	42	—	—	—
1725-1726 ...	445	381	218	70	99	12	—	—	—
1726-1727 ...	1249	1163	441	208	214	17	—	—	1
1727-1728 ...	2785	1893	718	416	285	15	1	—	3
1728-1729 ...	2565	1570	468	294	226	18	—	1	—

20 tons and 253 sticks of fustick, one tierce, 2 barrels and 6 kegs of indigo. *Signed and endorsed as preceding.*
2 pp.

326. x. Slaves imported into Antigua 25th Dec., 1720—1729. 1720-1, 251; 1721-2, 449; 1722-3, 584; 1723-4, 430; 1724-5, 1525; 1725-6, 1645; 1726-7, 2183; 1727-8, 1365; 1728-9, 2846. *Signed and endorsed as preceding.* 1 p.
326. xi. Treasurer's accounts of receipts and expenditure of the public revenue of Antigua, from Jan. 1726 to March, 1730. *Signed*, Geo. Byam, Treasr. *Same endorsement.* 20 pp.
326. xi. (a) Numbers of Baptisms and Burials in the parish of St. Paul, Falmouth, 1726-1730. 1 p.
326. xii. Numbers of Baptisms and Burials in St. John's parish, 1721-1729. 1 p.
326. xiii. Numbers of Baptisms and Burials in St. Philips' parish, 1721-1729. 1 p.
326. xiv. Numbers of Baptisms and Burials in St. Peter's parish, 1721-1729. $\frac{1}{2}$ p.
326. xv. Numbers of Baptisms and Burials in other parishes in Antegoa 1728-March 19, 1730. Nos. xi.-xv. *endorsed*, Recd. 17th Sept., 1730. 1 p.
326. xvi. Account of cannon shot in H.M. forts and batteries in Antigua, and of shot needed. *Signed*, Robert Weir. 1 p.
326. xvii. Account of the state of H.M. forts and fortifications in Antigua and of the stores belonging thereunto. 1st March, 1729. *Signed*, Robert Weir. *Endorsed*, Recd. 17th Sept., 1730. 1 large folded p.
325. xviii. List of fees paid to George Jennings, Master and Examiner of the High Court of Chancery, Antigua. *Signed*, Geo. Jennings. 1 p.
326. xix. List of Collector's fees, Antigua. 19th Feb., 1729. *Signed*, Wm. Wyne, Collr. $\frac{3}{4}$ p.
326. xx. List of Register's fees as fixed by the Register's act of Antigua. 10th March, 1729. *Signed*, Giles Watkins, Regr. 1 p.
326. xxi. List of fees of the Comptroller of Customs. 19th Feb., 1729. *Signed*, Rich. Baker, Compr. $\frac{2}{3}$ p.
326. xxii. List of Searcher's fees, Antigua, 10th Feb., 1729. *Signed*, William Lindsey, Searchr. $\frac{1}{2}$ p.

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326. xxiii. List of Naval Officer's fees. Antigua, 19th Feb., 1729. *Signed*, Wm. Wyne, Naval Officer. $\frac{1}{2}$ p.
326. xxiv. List of fees of Surveyor General. Antigua, 19th Feb., 1729. *Signed*, Cha. Dunbar, Surveyr. General, 1 p.
326. xxv. Judges' fees, as settled by the General and Council, Jan. 20, 1701. 16th March, 1729. *Signed*, Sa. Watkins, C. Justice. 1 p.
326. xxvi. Marshall's dockett of fees as established, Antigua, 31st Jan., 1703. $3\frac{1}{2}$ pp.
326. xxvii. List of fees of the Secretarys of Antigua, as made in 1704. Copied from the Council Book. *Signed*, Wavll. Smith. $3\frac{3}{4}$ pp.
326. xxviii. List of fees of the Secretary of the Leeward Islands, for Antigua, pursuant to the custom and practice of his predecessors for a great number of years. *Signed*, Wavll. Smith. 4 pp. Nos. xviii.—xxviii. *endorsed*, Recd. 17th Sept., 1730. [C.O. 152, 18. ff. 79, 80, 81, 82v.—89v., 90v., 91, 91v., 92v.—94v., 95v.—100, 101v.—103, 104—108, 109, 110, 111, 112, 113v., 114, 115—116, 117, 118, 119, 120, 121, 122, 123, 125—130v., 131v.]

July 10.

Antego.

327. Governor Mathew to the Council of Trade and Plantations. *Encloses* duplicate of 28th May, but cannot send duplicates of enclosures then sent, very few of them having been as yet transmitted to him by the proper officers *etc.* *Continues* :—The controversy between the Assembly of St. Christophers and Wavell Smith Esq. will certainly be revived on the meeting of the new Assembly. I pray leave to submit that matter to your Lordships' judgements, and have therefore transmitted to your Secretary the Minutes of Council reciting the whole of that matter. Your Lordships will find a majority of the Council advised me to suspend him from his seat at that Board, but I have avoided hitherto gratifying them herein till I could have your Lordships' directions not daring on my own judgment to give a precedent that may affect the independency that ought to subsist between those two branches of the Legislature and might be made use of very often hereafter, and for bad purposes, if on general suggestions only of a Councillor's misbehaviour in any other station, it should enable an Assembly to pick out, and garble at that Board as they should think fitt. A privilege their House, I imagine, would never submit to vice versa from the Council. It may prevent some further controversies, if your Lordships would please to give your sentiments as to a new method introducing of the Assemblys peremptorily calling before them and examining into the duties and behaviour of Treasurers, Secretarys, Gunners and all Officers without any previous application to the King's

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Governours, as well as on the Parliamentary power they claim of sending for papers records *etc.*, or enabling their Committees so to do, some debates having arose and been hereon in Council. I gave the Speaker of that Assembly before it expired and Mr. Secretary Smith notice that I should lay this affaire before your Lordships, that they might if they thought fitt direct at home proper persons to attend your Lordships with what they might have further to say to support the respective pretentions. *Signed*, William Mathew. *Endorsed*, Reed. 17th Sept., 1730. 2 pp. [C.O. 152, 18. ff. 132, 133, 133v.]

[July 10]. **328.** Minutes of Council of St. Christophers upon the complaint of the Assembly against the Secretary, Mr. Wavell Smith, 21st April—19th May, 1730. *Enclosed in preceding. Endorsed*, Reed. 17th Sept., Read 13th Oct., 1730. Read again 7th July, 1731. 21 pp. [C.O. 152, 19. ff. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 22v.]

July 10. **329.** Mr. Wheelock to Mr. Carkesse. Mr. Gordon, a Gentleman lately arriv'd from the Leeward Islands, brought me letters for my Lords Commissioners and Mr. Popple from Lt. Genl. Mathew *etc.*, which I send you, to shew you what is contain'd in the five packets he mentions to have sent by Mr. Gordon, and which are detained by the Custom House Officers. *Requests* that they be brought to the Office where they may be opened in the presence of a Customs Officer, if necessary. [C.O. 398, 37. p. 313.]

July 11. **330.** Mr. Wheelock to Mr. Hintze. In the absence of Mr. Popple. *Acknowledges* letter of 11th July. n.s. *Continues* :—My Lords Commissioners are concerned that you have hitherto made so small a progress in the affair committed to your charge. However, such Protestant families as shall be disposed to settle in Nova Scotia may depend upon having lands assigned them there, in the manner and upon the terms mentioned in the copy of Instructions which was delivered to you by their Lordships order before you left England. [C.O. 218, 2. p. 217.]

July 11. **331.** Duke of Newcastle to the Council of Trade and Plantations. Transmits following for their report. *Signed*, Holles Newcastle. *Endorsed*, Reed. 14th, Read 15th July, 1730. $\frac{3}{4}$ rd p. *Enclosed*,

Windsor
Castle.

331. i. Sir Alexander Cuming to the Duke of Newcastle. When Memorialist arrived in Carolina Dec. 6, 1729, he found the whole Province complaining of want of Government, and that every person did what he himself thought fitt *etc.*, so that no person had any security for life or property, and that if it had not been for H.M. ships stationed there, and the inde-

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pendant Company, that country must have been lost by the ignorance, dishonesty, mutiny and rebellion of the inhabitants before the Ministry here could be rightly informed of the source of all these grievances, which arose from the stamping of paper money without placing the same upon any solid foundation and then *etc.*, when pressed by new difficulties, stamping more *etc.* *Refers to* mutinous attacks upon Governor Johnson and Mr. Middleton, to compel him to stamp more bills. *Continues* :— It is a common practice for the people to survey H.M. lands, mark his timber and appropriate the same to themselves without any colour of authority, and those who survey the lands, which they claim by virtue of antient patents are threatned to be knockt in the head, and never suffered to return. The folly and ignorance of the people have a raised up a spirit of mutiny and rebellion as if they were independant on H.M. H.M. woods are destroyed to make pitch tarr and turpentine thereof, without paying or thinking themselves obliged to pay any quit rent for the same. One person commonly called Turpentine Brown is said to have cleared to himself 10,000*l.* by a waste and destruction of the King's timber for that purpose. Memorialist represented to them in privat and publick conversation the arrogance and presumption of this their behaviour *etc.* The stamping so many paper bills has reduced the reputed value of the paper money to but the seventh part of sterling, so that H.M. loses six parts of his quit rents and many merchants in London who gave credit were ruined. The debtors who make the generality of the Province and the body of the Assembly are for having more paper money stamped, whereby they could pay their debts with half the present value *etc.* The rise or fall of the paper money would be equally destructive to the Province *etc.* They are in danger of the Blacks rising up against them, who are six times the number of the Whites. *Proposes* that the present issue of paper money be called in and a Royal Bank instituted which should issue notes *etc.* *Endorsed*, Recd. 14th, Read 15th July, 1730. 3 closely written pp. *Enclosed*,

331. ii. Extract of a letter to Sir A. Cuming. May 23, 1730. Charlestown. Nothing new has happened, but in relation to our currency, which is the constant discourse in all company, We have handed about here the petition of the merchants trading to this Province, also the queries and answers sent by Governor Johnson, being proposed to him by the Lords of Trade : People

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have various thoughts about those answers, but by most its thought, they are calculated to please the unthinking populace, who are so much in love with a currency and with breaking their own laws *etc.* But what could be the inducement to the traders in London to desire the publick faith of this Province to be broke again, is more than we can discover. When you left this Province several traders and planters were forming a bank, which is now agreed to, there is 25 men concerned, every man subscribes for 2000*l.* current money, and is to pay in 400*l.* of it, the remainder to be paid in 20 days after a call is made, or to be deprived of their share and the first payment : To show the strength of this Bank (whose cash will only consist of 10,000*l.* currency equal to 1428*l.* 11*s.* 5*d.* sterling) their notes are printed and ready to give out, and that the stop is the want of cash, most of the members finding a difficulty to pay in the 400*l.* and some of them were obliged to drop their shares for want of the cash : In a late meeting of those eminent Bankers, I am told it was proposed, that as it would be a loss to have 10,000*l.* sunk in the Bank which they said would be of no use, they therefore proposed giving their Treasurer their own primary notes in place of the paper money which they at first proposed should lie in Bank. It is easy to foresee those Gentlemen propose to force their own notes upon us, neither can we help it without assistance from the Government at home or yourself, so many trading men joined together are capable in this small place to make Guinea money (*vizt.* cowries) pass current here. *Criticises details of the scheme. Endorsed as preceding. Copy.* 1½ pp. [C.O. 5, 361. ff. 133-135v., 136v.]

July 11.
London.

332. Mr. Yeamans to the Duke of Newcastle. *Encloses following, relating to some settlements the French are carrying on at Sta. Lucia and Dominica. "The latter place they never attempted to settle till of late" etc. Signed, John Yeamans. Addressed. 1 p. Enclosed,*

332. i. Extract of letter from Lt. Governor Byam to John Yeamans, Agent for Antigua. Antigua, 8th May, 1730. As to ye business of Sta. Lucia, Capt. Toller and Capt. Davers can give the best account of that settlement because they have been often there. The French are now settling Dominico, and my Lord Londonderry had a very good account from one of the Cheif of the Indians, nam'd Lord Gray, who is suppos'd to be in the English interest, that there was near 800 whites and blacks upon that island ; since

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which I was inform'd there was one planter that settled there with 40 negroes. They as well as those of Sta. Lucia plant nothing but provisions as yet, and do not pretend to any regular Government, but we are inform'd they increase much in their numbers. Tis a melancholy reflection to consider the great strength of our neighbours and our own weakness. *Copy.* 1 p. [C.O. 152, 43. ff. 95, 96v., 97, 98v.]

- July 13. **333.** Memorial of loss sustained by John Gallwey, owner of the *Tryal* sloop, Wm. Hunter master, and her cargo, taken 23rd Aug., 1727, at St. Crux by a Spanish sloop belonging to Porto Rico. Affidavit by Tobias Wall, that he well knows John Gallwey, a merchant of St. Kitts, of good credit *etc.* *Produces following.* *Signed,* Tobias Wall. *Endorsed,* First Reed. May 1st, 1730. The original reed. back again (authenticate at Drs. Commons) July 31st, 1730. 1 p. *Enclosed,*
333. i. Deposition of John Gallwey. St. Christophers, 30th April, 1729, that following is a true account. *Signed,* John Gallwey. Sworn before Lord Londonderry, *Copy.* $\frac{2}{3}$ p.
333. ii. Account of loss, as above, 655*l.* 11*s.* 6*d.* ("A negro man and his apparel" are valued at 150*l.*). *Copy.* 1 p. [C.O. 388, 89. ff. 58–59v.]

- July 14. **334.** Mr. Vernon to Mr. Popple. The Lords of the Committee having this day taken into consideration the draught of Governor Johnson's Instructions, and some doubt arising upon the articles about continuing the Paper currency desire the Lords Commissioners for Trade to attend this day se'night at eleven of the clock. P.S. You are desired in the mean time to attend Sir Robert Walpole with the scheme proposed for sinking the old bills and creating new ones, and to send a copy to this Office. *Signed,* Ja. Vernon. *Endorsed,* Reed., Read 14th July, 1730. 1 p. [C.O. 5, 361. ff. 129, 130v.]

- July 14. **335.** Order of Committee of Council. Referring following to the Council of Trade and Plantations for their report. *Signed,* Ja. Vernon. *Endorsed,* Reed., Read 23rd July, 1730. 1 p. *Enclosed,*

335. a. Lords Commissioners of the Admiralty to the King. Admiralty Office, 3rd July, 1730. Lay enclosed papers before H.M., "that such directions may be given for the support of the Admiralty jurisdiction, wherein the interest of your Majesty's trading subjects is so nearly concerned, and preventing such irregular practices for the future, as shall seem most proper" *etc.* *Signed,* Jo. Cokburne, Cha. Wager, Tho. Frankland, T. Winnington. *Copy.* 1 $\frac{3}{4}$ pp.

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335. *b.* Sir Henry Penrice, Judge of the High Court of Admiralty, to the Lords Commissioners of the Admiralty. June 10, 1730. *Report upon* the following papers referred to him by them "containing letters *etc.* by Lt. Gov. Gordon and David Lloyd, Chief Justice of Pensilvania, and Joseph Brown Esq., Judge of the Vice Admiralty Court, who has severall times attended me *etc.*, by whom, and which, it does appear, that there have been great disputes between them, and that the said Brown has suffered sevell. hardships and been much discountenanced in the execution of his office. And it being their Lordships desire that I should give my opinion what methods may be most properly taken for the effectual support of the Admty. jurisdiction in that Government, I do humbly report that, *etc.*, the Court of Vice Admty. there is established there by H.M. sole authority. Prosecutions by the Officers of the Customs are directed to be brought in those courts *etc.* Paper No. i contains the proceedings against sundry goods as forfeited upon an information brought by Mr. Moore, Collector of the Customs who seized those goods; and no claim appearing they were condemned according to the course of the Court, 21st Feb., 1726, as forfeited, "to be divided according to the statute in thirds, to the King, the Governor, and the Informer, first deducting the fees of Court, and all other contingent charges, and it is further decreed that the goods so condemned shall be exposed to sale by publick auction by Mathew Prior (*rectius*, Pratt) Marshall of the Court" *etc.* This sentence I conceive to be agreeable to the law and praetice *etc.* But the Governor, Patriek Gordon, as Chancellor of the Province thought fit by his injunction (*No.* ii) to command Jas. Brown, Mathew Prat and the other officers under the penalty of 2000*l.* not to proceed further in putting this sentence in execution *etc.* Brown petitioned him (*No.* iii) to suffer him to proceed *etc.*, but Governor Gordon ordered the goods to be divided into three parts, one of which he himself took in kind, another Mr. Moore took as Informer, and the King's third was put up to sale (*No.* iv) *etc.*, by which means I conceive the Governor by an high hand prevented Mr. Brown from putting his sentence in execution. As to the fees of $7\frac{1}{2}$ p.c. which are insisted upon by Mr. Brown to be the usuall fees taken by the Judge of the Vice-Admty. of Pensilvania upon all condemnations, I find by a certificate under the hand of Sr. Wm. Keith, the late Governor (*No.* v), that Mr. Brown recd. the fees of $7\frac{1}{2}$ p.c. upon all

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condemnations while he was Governor *etc.*, and that he always understood such fees had been received by his predecessors and likewise at New York and New Jersey *etc.* It likewise appears (*No. vi*), that such fees had been recd. by Mr. Bridges, Mompesson, Morris and Heathcott, men of great character, and that without any ordinance, or other authority than their own appointment. Such fees not being according to our table of fees here, nor according to the course of H.M. High Court of Admiralty, all that I can say in justification of them is, that it seems to be the practice of the Vice Admty. Courts in America: but Gov. Gordon by his own sole authority, thought fit to reduce the fees to $3\frac{1}{2}$ p.c. *etc.* (*No. vii*). It is therefore submitted to my Lords Commrs. as a matter worthy their consideration, to settle the *said* fees *etc.* It does appear from the process (*No. viii*) that an information was brought in the Court of Admiralty before Isaac Miranda, deputy to Mr. Browne, by Danl. Moore, Collector, against the schooner *Sarah* in July, 1727, as forfeited by the Acts of Trade, but before anything had been determined therein Mr. Moore himself thought fit to move Governor Gordon as Chancellour for an injunction to stop proceedings in the Admty. Court suggesting that Joseph Browne had revoked his deputation to Miranda and that he himself was a prejudiced person and therefore an incompetent judge, and that it was dangerous to permitt the said Joseph Brown to make any proceedings upon the said seizure (*No. ix*). Whereupon Govr. Gordon grants an injunction (*No. x*) *etc.*, and gives for the reason that "Moore in the prosecution of such seizure was unjustly prevented and put to unnecessary charges by Browne, who has given just grounds to suspect his intention of shewing unjust favours to the reclaimers of the said seizures, whereby Browne is rendered incompetent to take cognizance thereof." It appears to me from the affidavit of N. French (*No. xi*) that the trial of the *Sarah* commenced before Miranda *etc.*, and that Browne upon advice of the great irregularity of Miranda's proceedings, revoked his commission and appointed a day to try the vessell himself at the petition of Mr. Bainton who claimed the same; but was stop'd by the injunction of Govr. Gordon; that the Govr. afterwards dissolved the injunction without any hearing thereon, or inquiry into the corruption of Browne; that he was afterwards solicited by Bainton to try the vessell, but on account of the aspersion upon him he openly refused it; and

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the vessell was some months afterwards tryed and acquitted by the Court of Common Pleas. It appears to me from the sd. affidavit and likewise from a letter of Sir Wm. Keith (*No.* xii) and a certificate (*No.* xiii), that Joseph Browne has been esteem'd a very honest man both in his publick and private capacity : and for the space of three years during which he has resided in the Province, he has acted as Judge of the Vice Admty. with great integrity. Yet notwithstanding such his behaviour, it appears from the affidavits of Sprogell and Palmer (*No.* xiv) that Govr. Gordon brought a civil action for scandall against Browne upon which he was committed to prison 24th Aug., 1727 ; that Sprogell, one of the Representatives, and Palmer one of the Justices of the Common Pleas offer'd themselves to bail for Browne, but were refused, Biddle the Keeper telling them, that it was the special command of the said Governor not to admitt Browne to baile ; and when the Sheriffe represented to the Govr. the illegallity of such commands, the said Govr. said, he would protect the Sheriff right or wrong, and that he expected to be obeyed. Such are the difficulties that Joseph Brown *etc.* labours under that I likewise find, David Lloyd Esq. Judge of the Supream Court issu'd a prohibition (*No.* xv) to Jos. Browne as Judge of the Vice-Admiralty Court to dismiss a cause of David Lupson even before it was received by the said Court to prevent his taking cognizance. By the proceedings therefore of Patrick Gordon Esq. as Governour and likewise as Chancellour by way of injunctions, and by the proceedings of the Supream Court by prohibition the jurisdiction of the Vice-Admiralty Court is very much discountenanc'd, and superseded as often as they please. It being their Lordships directions to me, that I should give them my opinion what methods may be most properly taken for the effectual support of the Admiralty jurisdiction in Pensilvania, I do humbly report *etc.*, that the most proper method will be by application to His Majesty in Council, and I find that method has been taken before by the Lords Commissioners in a like case, vizt. that of Mr. Robert Quarry, Judge of the Vice Admiralty of Pensilvania in 1699 *etc.* (*Nos.* xvi-xix). And I do humbly conceive that it is for H.M. service, that the jurisdiction of the Vice-Admiralty Court be supported, and in order thereto it seems necessary, that the family of Mr. Penn now interested in the Government of Pensilvania be directed by H.M. in Council to give effectual Instructions to the Lt. Governor for the

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- time being to protect, countenance and support the Vice-Admiralty Court there in their just and legal rights and to prevent incroachments from the Common Law Courts of the said Province upon the Admiralty Jurisdiction. *Signed*, H. Penrice. *Copy*. 9½ pp.
335. i. (a) Proceedings in the Court of Vice-Admiralty, Philadelphia, 2nd Feb., 1727, upon a seizure libelled by John Moore, Collector. *v. preceding*. *Endorsed*, Recd. from Mr. Browne, 23rd July, 1730. *Copy*. 5¼ pp.
335. ii. Injunction by Lt. Governor Gordon as Chancellor 1727. *v. No. i. Same endorsement*. 1 p.
335. iii. Petition of Joseph Browne to Lt. Gov. Gordon, 5th Feb. 1726(7). *v. No. i. Same endorsement*. 2 pp.
335. iv. (a) Mandate to Messrs. Owen, Fraser and Leech by Lt. Gov. Gordon, 23rd Feb., 172⁶/₇, for the division of the forfeited goods into three lots in presence of the Mayor and Sheriff, *etc.*, and the sale of H.M. third and payment of same into the hands of John Moore, Collector, with deposition by Ewen Owen, William Fraser, merchants of Philadelphia, and John Leech, Vendue Master, that the same was done. *Copy*. 2 pp.
335. iv. (b) Lt. Gov. Gordon to Mr. Burchett. Philadelphia, July 7, 1727. *States his case in answer to the complaint preferred against him by Mr. Browne, who has always shown himself a great party man of his predecessor, Sir W. Keith. Continues:—*The Collector, Mr. Moore, made a seizure in Dec. which he lodged in his warehouse. Some disputes having formerly arisen between the Collector and Deputy Judge occasioned a delay in the trial of this seizure. Mr. Brown suspecting that the Collector would get the seizure condemned in our Court of Common Pleas here applied to me that I should interpose with the Collector, that the seizure might be brought into the Court of Admiralty, which I accomplished, and at the same time told me, lest the Collector should make any objection to his fees, I should cutt and carve in them as I pleased, *etc.* Enclosed proceedings show that he condemned the seizure on 11th Feb., but so soon as he discovered the Collector had no inclination to trust him with the goods, he upon the 22nd following, the more plausibly to effect his design of having them in his power, condemned the seizure again, and very materially altered the former decree, and sent to the Collector to have the goods delivered to his Marshall, in order to be sold by him, this man is his footman, wears his livery, is a bought servant, if not a transported convict, and is of the Judge's own appointment *etc.* The master

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and the man are equally rich, and therefore how unsafe it would have been to have trusted them with such a cargoe I leave you to judge. But to obviate every objection that Mr. Brown might make against the Collector, I ordered that the goods should be divided by two merchants and the vendue master *etc.* (v. No. iv). *Continues* :—I then sent for my third in kind, the Collector took his, and the King's third was publickly sold to the highest bidder *etc.* After the Collector and I had taken our shares of the goods, Mr. Brown had offered a sham security for his Marshall, in case the goods should be delivered to him for sale, but the bails offered were no more solvent than the Judge or his Marshall *etc.* I know of no law that oblidges me to dispose of my share, if I incline to take it in kind. Mr. Brown fancied, if his Marshall sold the goods, he would have been entituled to 5 p.c., besides $7\frac{1}{2}$ p.c. he demanded for the condemnation *etc.* which would have considerably diminished H.M. share and your humble servant's. Although there is no law in the Province regulating the fees of the Admiralty Court, *etc.*, I allowed him $3\frac{1}{2}$ p.c. according to the appraised value, (as is customary in New York) besides the fees to other officers of that Court *etc.* He is now oblidged to quit this place on suspicion of debt, after having sold his Marshall, and by what right I know not has deputed one Isaac Miranda, whether a Jew or a Christian I am uncertain, to act in his post *etc.* Signed, P. Gordon. *Same endorsement.* Copy. 4 pp.

335. v. Certificate by Sir W. Keith that, during his Governorship, Joseph Browne received the fees of $7\frac{1}{2}$ p.c. for condemnations *etc.* *Concludes* :—I always understood such fees had been received by his predecessors, as well as by the Judges of Vice-Admiralty in New York and New Jersey *etc.* without objection. 16th Dec., 1729. Signed, W. Keith. *Same endorsement.* Holograph. 1 p.
335. vi. Mr. Harison to [? Mr. Browne] New York, Feb. 15, 1729. *Reply* to questions as to procedure in the Admiralty Court. Fees of $7\frac{1}{2}$ p.c. of all goods condemned were received in New York by Mr. Bridges, Mr. Mompesson, Mr. Morris and Mr. Heathcote, all men of great character, and that without any other authority than their own appointment *etc.* By a recent ordinance settling the fees of the Admiralty here, the Judge is entituled to $3\frac{1}{2}$ p.c. upon condemnation or acquittal, *etc.*, Signed, Fra. Harison. *Same endorsement.* Holograph. 3 pp.

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335. vii. Bill on the seizure taxed by Mr. Browne in accordance with the Governor's regulation *etc.* *Same endorsement.* 1 p.
335. viii. Proceedings in the Court of Vice-Admiralty, Newcastle, Pa., 28th July, 1727, before Isaac Miranda, Depty. Judge, in the case of the schooner *Sarah*, Daniel Moore, informer. Upon the motion of the defendant the case was adjourned to the Court at Philadelphia, on 7th Aug. *Same endorsement.* *Copy.* 6 $\frac{3}{4}$ pp.
335. ix. Bill in Chancery, brought by Daniel Moore, for an injunction to stop proceedings in the Vice-Admiralty Court *etc.* (v. No. i). 23rd Aug., 1727. *Signed*, Pet. Evans. *Same endorsement.* *Copy.* 21 pp.
335. x. Injunction granted by Lt. Gov. Gordon. *v. preceding and No. i.* *Signed*, P. Gordon. *Same date and endorsement.* *Copy.* 4 $\frac{1}{2}$ pp.
335. xi. Deposition of Nathaniel French of Philadelphia, 5th May, 1730. *v. No. i.* *Signed*, Nath. French. *Same endorsement.* 1 p.
335. xii. Sir W. Keith to Joseph Browne. 14th May, 1730. I am sorry that the common civilities which I shewed to the Judge of the Vice Admiralty while I was Governour, should give the least occasion to charge you with misconduct *etc.* [*I did*] only such things of course, which I plainly understood to be the Governour's duty. But it ought to be considered from whence these malicious and false insinuations arise, for when you was charged by Mr. Gordon with an intention of partiality and corruption, which produced an extraordinary prohibition from him as Chancellor to proceed on the trial of the *Sarah etc.* (v. Nos. i., viii-x), it cannot be forgot how without any application on your part, or further enquiry into the mater, that irregular proceeding was drop'd, and you again solicited by the Governour and his creatures to reassume your authority in order to bring the same vessel to tryal, which in my opinion you very prudently refused, until the just rights of the Court of Vice-Admiralty should be establish'd on some footing that would secure it from such arbitrary incroachments; And indeed unless something can be effectually done therein, the Admiralty jurisdiction in that Province, will avail but litle in supporting the rights either of the Crown or the subject, *etc.* *Signed*, W. Keith. *Same endorsement.* *Holograph.* *Addressed.* 1 $\frac{3}{4}$ pp.
335. xiii. Testimonial by inhabitants of Philadelphia to Mr. Browne, who has acted for three years as Judge of the Vice-Admiralty Court with great integrity *etc.* 74 signatures. *Same endorsement.* 1 $\frac{3}{4}$ pp.

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335. xiv. (a) Depositions of Lodowick Christian Sprogell of Philadelphia merchant, and Anthony Palmer. Sept. 19 and 20, 1727. *v. No. i. Signed, L. C. Sprogell, Antho. Palmer. 2 pp.*

(b) Certificate by Ralph Anheton, Public Notary, that Thomas Lawrence before whom above depositions were taken is a Justice of Peace and Alderman of Philadelphia. 21st Sept., 1727. *Signed, Ralph Anheton. Seal. The whole endorsed as preceding. 2½ pp.*

335. xv. Injunction by David Lloyd, Chief Justice of the Supreme Court, directing Mr. Browne to dismiss the cause brought by David Lupton master of the sloop *Phœnix* for his wages *etc.* 26th Sept., 1727. *v. No. i. Signed, Josa. Lawrence. Same endorsement. 1 p.*

335. xvi. Lords Commissioners of the Admiralty to the Lords Justices, transmitting a complaint by Robert Quarry Judge of the Court of Admiralty of Pennsylvania, 12th June, 1699. *v. C.S.P. 1699. No. 574 i, ii. Same endorsement. Copy. 1 p.*

335. xvii., xviii. Orders of Lords Justices in Council upon preceding. *v. No. i. Copies of C.S.P. 1699. Nos. 574, 749. Same endorsement. 1¼ pp. [C.O. 5, 1267. ff. 135, 136-141v., 144v., 146-153v., 154v., 155, 156v.-159, 161-164, 165v.-180, 181v.-183, 184, 184v. 185v.-189, 190v., 191, 192v.-193v., 194v.]*

July 15. 336. Memorial of loss and damage (957*l.* 15*s.* 8*d.*) sustained by Clement Cheesman deed. owner of the ship *Mary* and cargo seized by a Spanish privateer off Lisbon in 1727, on voyage to Lisbon and Newfoundland. With invoices, proceedings, letters *etc.* 15 *pp.* [*C.O.* 388, 90. *ff.* 70-72, 73-5, 76-77, 78-79.]

July ¹⁵/₂₆
Rotterdam.

337. Mr Hintze to the Council of Trade and Plantations. *Acknowledges* letter from Mr Wheelock. *Continues* :—I hope your Lordships wont condemn me when I lay the necessities I was under to proceed as I did for had I gone to the Dominions of the Elector Palatine without employing an A[n]gent here in Rotterdam to make interest in Franekfort I shou'd have been taken up and rendered incapable of doing any service to H.M. on this occasion *etc.* *Hopes* to procure 500 Protestant families of the best substance in that country to become planters in Nova Scotia *etc.* *Asks for* letter to agent confirming his Instructions. *Signed, Dan. Hintze. Endorsed, Recd., Read* 22nd July, 1730. *Addressed. Postmark. Seal. 1½ pp.* [*C.O.* 217, 5. *ff.* 203, 203v., 204v.]

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 July 16. Windsor Castle.
- 338.** Mr. Delafaye to Mr. Popple. Encloses following to be considered with Sir A. Cuming's proposal for erecting a Bank in S. Carolina *etc.* *Signed*, Ch. Delafaye. *Endorsed*, Recd. 17th, Read 22nd July, 1730. 1 p. *Enclosed*,
338. i. Sir A. Cuming to the King. In order to secure the obedience of the Cherokee Nation until your Memorialist should know your Majesty's further pleasure, he appointed one head warrior, Moytoy, as Chief over the whole nation, that he might answer for the conduct of the whole people, to this all their Kings, Princesses and Head men consented. Memorialist undertook to answer for them at the peril of his head, to lead them to war against their enemies, and give them such rules, as should make them a great and good people, if your Majesty consented to the same. He designed that hereafter none should obtain any title of warr without having first signilised himself in your Majesty's service, and that any act to the contrary should degrade even their Kings and Princesses. Memorialist is willing to run all risks in living among them for three years, and thereby promote your Majesty's suite *etc.* *Believes* that this nation may be made very useful and not dangerous, with proper discipline and good usage, whereas hetherto they have been dangerous without being useful. *Submits* whether the power that forms them ought not to be as unlimited as what they themselves have given him, and answerable only to H.M. 1 p. [*C.O.* 5, 361. *ff.* 139, 140, 141*v.*]
- July 16. **339.** Memorial of loss and damage (107*l.* 18*s.* 6*d.*) sustained by Francis Gourdon, London, owners of goods consigned to John and James Alvord of Boston, N.E., and of John Pitts of Boston for goods (249*l.* 18*s.* 0½*d.*), shipped and taken in the ship *Anne* by two Spanish men of war in the English Channel, May, 1727. With invoices and affidavits. 18½ *pp.* [*C.O.* 388, 90. *ff.* 34–35, 36, 36*v.*, 38–42, 60–63*v.*]
- July 17. **340.** Memorial of loss and damage (2762*l.* 10*s.*) sustained by Richard Score & Co. of Barnstable and Bideford, owners of the *Neptune* galley, built at Boston, N.E., for him, Mr. George Strange of Bideford and Mr. Pitt of New England *etc.*, seized by the Spaniards at Corunna on her voyage thither from Bideford and Newfoundland, 25th Sept., 1718. With inventory. [*C.O.* 388, 90. *ff.* 56–57, 58–59*v.*]
- July 18. **341.** Mr. Sharpe to [? *Duke of Newcastle*]. The Lords Commissioners for Trade having sent into this Office, a state of the paper currency in S. Carolina, to be presented to the

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Committee on Tuesday, I think it my duty to lay the enclosed copy of it before your Grace. *Signed*, W. A. Sharpe. 1 p. [C.O. 5, 36. f. 7.]

July 20. **342.** Governor Johnson to the Council of Trade and Plantations. Recommends the proposal of Jean Pierre Purry (v. 9th July). *Signed*, Robt. Johnson. *Endorsed*, Reed. 20th, Read 22nd July, 1730. 2 pp. [C.O. 5, 361. ff. 137, 137v., 138v.]

July 21. **343.** Galfridus Gray to Mr. Popple. According to your order I am attending to speak to the affair of stoping the Spanish riches when we please a thing of the greatest consequence to the British Nation, with respect to the enlargement of our power and trade. Please to give me leave to speak to it, and I will shew how certain it is, also how easy it is to be done. *Signed*, Galfridus Gray. 1 p. [C.O. 323, 9. f. 46.]

July 21. **344.** Order of Committee of Council. Upon reading representation of 23rd May *etc.*, ordered that the Council of Trade and Plantations enquire of Lord Carteret what value he sets upon his eighth part of Carolina *etc.* *Signed*, Ja. Vernon. *Endorsed*, Reed. 24th, Read 28th July, 1730. 1½ pp. [C.O. 5, 361. ff. 142, 142v., 143v.]

July 21. **345.** Order of Committee of Council. The Council of Trade and Plantations are to make the following alterations in the draught of Instructions for Governor Johnson: (i) Robert Wright to be a Councillor in lieu of Benjamin Schenckinigh, (ii) the Governor is to be empowered in general terms to assent to a law for a new paper currency, with a clause suspending its execution until H.M. pleasure be known. (iii) No office to be executed except by H.M. or the Governor's Commission *etc.* *Set out*, A.P.C. III. No. 198. *Signed and endorsed as preceding*. 1½ pp. [C.O. 5, 361. ff. 144, 144v., 145v.]

July 22. **346.** Council of Trade and Plantations to the Lords Commissioners of the Treasury. *Refer to* petition of Mr. Waldo and "the claim of the Massachusetts Bay, that their Province is intituled by Charter to the government of the lands even to the River of St. Croix, though they do acknowledge that they have no power to make grants of lands there, without H.M. permission." *Continue* :—The title to the Government as well as to the property of the soil of the tract contended for, is of very great consequence, because lands in those parts in respect to their produce, harbours and fishery, are of more value than any others in that part of America, and will produce considerable quit-rents, if they do belong to H.M. Wherefore we think it both for the advantage of ye publick, and of ye particular

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persons claiming a right therein, that the title shou'd be ascertain'd with all convenient speed. But ye decision of this matter will intirely depend upon questions in ye law, relating to ye effect of certain clauses in ye Massachusetts Charter, and likewise to the validity of divers antient grants from ye Council of Plymouth in ye reign of K. James I, and of purchases from the Indian inhabitants. We desire your Lordps. would be pleased to order your Sollicitor to attend us, that he may inspect ye sd. Charters, grants and purchases, and thereupon receive directions from us, for forming the state of a case to be laid before H.M. Attorney and Sollicitor General for their opinion in a matter of this consequence to the publick. [C.O. 5, 916. pp. 392-393.]

July 23.
Whitehall.

347. Council of Trade and Plantations to the Duke of Newcastle. Enclose following, to be laid before the King. *Annexed,*

347. i. *Same* to the King. Representation upon Mr. Purry's proposal for settling 600 Swiss Protestants in S. Carolina, receiving for himself 12,000 acres free from quit rents. *Continue* :—Whereupon having consulted with Colonel Johnson *etc.*, considering that the present quit-rents upon 12,000 acres of lands there would only amount to £18 sterl. per ann., we are humbly of opinion it might be for your Majesty's service, that ye sd. Purry's request in this particular should be comply'd with; that the sd. Swiss, or at least so many of them as are of a competent age for that purpose upon their arrival in Carolina respectively do take the usual oaths of allegiance to your Majesty. That after they shall have taken the said oaths, lands be assigned them by your Majesty's Governor, where they shall dwell together in one or more townships, in such place and manner as may be most for the security of the said Province. That the said Purry shall not be intituled to the 12,000 acres till the service undertaken by him shall be fully performed, and that it shall appear to your Majesty's Governor there, by certificates from one or more Officers of the Customs in that Province that the said Purry hath imported or caused to be imported into South Carolina 600 Swiss Protestants, including men, women and children, within the term of six years to be reckoned from Xmas Day next *etc.* Will prepare Instructions, if H.M. approves. [C.O. 5, 400. pp. 377-381.]

July 23.
Virginia
Wmsburgh.

348. Lt. Governor Gooch to the Council of Trade and Plantations. *Encloses* acts and proceedings of the last session of Assembly, "which ended on the 9th of this month, with an

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answer to the several queries, and the old seal of this Colony.”

Continues :—But because the *Biddeford* man of war, in which they are designed, the Captain having stayed some time for them, is in hast to be gone, I shal without further preface go on to such remarks as I judge necessary to explain the occasion and scope of these laws *etc.*

Continues :—*No. i.* In pursuance of H.M. 93rd Instruction to me, for providing a law for encouraging religion and morality, and discountenancing of vice, an act is passed whereby the former laws against sins and offences are more strongly enforced, and a more speedy remedy given for recovering the penaltys, and for bringing the offenders to punishment, by obliging the Churchwardens of the parishes to present offenders from time to time, and making such presentment of equal force to ground a prosecution, as an indictment found by a Grand Jury, there is also by this act a jurisdiction given to the General Court to take cognizance of marriages within the Levitical degrees, and to declare such null; and also to punish all persons who either by marriage or otherwise are guilty of incestuous copulations. This act being made in exact conformity to the statutes of England, and necessary to restrain such wicked practices which by no Court or Law heretofore established in this Colony were punishable, I doubt not will meet with your Lordships’ approbation.

No. ii. The act for amending the staple of tobacco and preventing frauds in H.M. Customs, was become so necessary, that without some measures for preventing the exportation of trash, and the scandalous practice of running tobacco in Great Britain without paying any duty, the people of this country must either have been obliged to turn their hands to some other manufacture or be entirely ruined *etc.*

Refers to his former letters (v. June 29, 1729 etc.).

Continues :—The condition of the planters is no way mended since that time, but rather grown worse: Wherefore I thought it became me to propose to this Assembly the scheme I, the last year, laid before your Lordships, and it has been so favourably received that an act is now passed, which tho’ not in every article the same with my scheme, yet all the essential parts of it are the same, for, 1st, by this all tobacco is to be brought to publick warehouses to be viewed and approved by three sworn Inspectors, and to receive their stamp before it can be ship’d for exportation, or paid away for any publick or private debt. 2nd. All bad or unmerchantable tobacco is to be seperated and burnt, without suffering it ever to be removed from under the Inspector’s view. 3rd. Bulk tobacco is prohibited to be waterborn even in the country; and the masters of the ships are to be sworne not to receive any such on board, but all tobacco must be taken on board in hogsheads casks or cases stamp’d at some of the warehouses. 4th. The planters are now under no restraint, but are to make, rich and poor, as much tobacco as they can; and as the quantity is to be lessened by destroying the trash,

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thus far the act guards against the exportation of bad tobacco. 5th. Then for the better preventing of frauds in the Customs, which has been long practiced as well by carrying tobacco in parcels as by breaking the casks and running the tobacco whilst the ships are unlading; the nett weight of each hhd. of tobacco, and the tare, is to be stamped on the hhd. here by the Inspectors, so that by comparing the weight at the King's beam with that mark'd here, it may easily be discovered whether any or how much hath been pillaged in the voyage, which no doubt will be runn to save the duty, but besides this the master of every ship is obliged to deliver to the Naval Officer a manifest of his lading, with the particular weight of each hhd. on board as it is stamped, and this is to be annexed to his plantation certificate, and to be produced therewith to the Collector of that port where the ship unloads in G. Britain; and for a further security, a general invoice of all the tobacco on board every ship in the Colony is to be made out by the several Inspectors yearly, and transmitted by the Naval Officers to the Commissioners of the Customs in London. By this means, not only the masters of ships will be deterr'd from running the tobacco ymselves, but they will be more watchful to prevent its being done by the sailors; and if any such practices should be continued, the Collectors of the several ports will be able to call the masters to account for it; or if they should prove negligent in their duty, the Commissioners of the Customs will be qualified to discover the fraud, and know on whom it ought to be charged. So that I hope these regulations will effectually put a stop to that pernicious practice of running tobacco without paying the duty, which has been no less injurious to the fair trader, than prejudicial to H.M. revenue. And in order to render this trade more easy to the British owners, care is taken by the law that the tobacco shal be put on board by the country freighters for no greater allowance than four shillings pr. hhd., whereas it is generally computed that the charge of sloop hyre, men's wages and victuals for bringing on board the tobacco heretofore, and at this time, has amounted to six and sometimes seven shillings pr. hhd. *etc.* I must confess in my scheme I proposed but two shillings, intending thereby to ease the trade as much as possible; for if I had laid it at four which is very reasonable, the House of Burgesses, knowing the charge and trouble the ships are at present willingly exposed to for their lading, would most certainly made it six; when the bill passed the lower House it was at 5s. but by an amendment from the upper House, which was with difficulty obtained, it was brought to 4s. and I must say happily agreed to, besides, the ships' crews are freed from that intollerable drudgery they have constantly undergone of rolling tobacco from the planters' houses to their boats, frequently the occasion of sickness among them, and great delay of their voyages; for now the masters of ships have no other

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service for their men than to stow the tobacco as fast as it is brought on board, which will undoubtedly be an encouragement to sailors to engage for less wages, and will prevent their desertion to which they are often tempted by their hard service, and the opportunity of being far distant from their ships. And as it is not to be questioned but that every freighter will get his tobacco on board as speedily as possible in hopes to have it at the market as soon as his neighbour, so it is certain, the ships will by this means meet with a much quicker dispatch in their lading, which besides preserving them from the worm, will save a considerable charge in wages and victualling. Another considerable advantage to the owners of ships is, that by this law all the hhds. of tobacco are to be of the just size, or otherwise not suffered to be ship'd. Great complaints have been made by the masters of ships, and not without reason, of the extravagant bulk of the hhds. which broke their stowage to that degree that in some voyages they could not carry so much by several tuns as in other voyages, yet, as these large hhds. belonged to considerable freighters, the masters durst not sue for the penalty for fear of losing their freight for the future ; but now that the Inspectors are obliged on their oaths to reject as unlawful all tobacco pack'd in casks of larger dimensions than the lawful standard, no such loss or inconveniency can happen to the masters or owners during the continuance of this act. I know no objection that can be made against this law, except it be on the score of paying 4s. pr. hhd. for putting the tobacco on board, because it thwarts the interest of some masters of ships who have sloops and flats of their own, which they employ to lade their ships, charging their owners what hyre they think fit and rarely at the lowest price : in like manner, where they are obliged to employ other sloops, besides their own, they have, as I am told, I am loth to speak amiss of them, some advantage in paying the hyre here in the currency of the country, and receiving it again in sterling at home whereby they gain 15 or 20 pr. cent. Such men as these I am engaged to arm your Lordships against, because they may probably exclaim and oppose this allowance of 4s. as an extravagant charge ; But let them produce their accots. of their sloop and boat hyre for their several voyages, and add thereto their men's wages and diet, and the wages of those supernumerary sailors they are often obliged to hyre in the country, and then it will appear that this allowance is abundantly less than they now pay for the like service ; And if any such objection should be offered to your Lordships, I beg you will be pleas'd to call for the accots. of the charges of the *Williamsburgh* the last voyage ; of the *Amity*, Capt. Wills ; of the *Gooch* Capt. Pack ; which will evince the truth of what I assert, that tobacco hath never yet been brought on board for so small a charge as is proposed by this act. Besides, I have spoken with many merchants

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and masters of ships, as well of London as the out ports and North Britain, who all agree that it is a very moderate recompence, and such as they would be always willing to give, and that their lading never cost them so little. I must not pass over another clause in this bill, which will shew your Lordships how much the Assembly have indulged the British merchants and adventurers, by allowing them all the liberty they had before of purchasing the planters' tobacco before it is carried to the warehouses, to transport it in their own boats and by their own seamen as well to their prizing houses, as to and from the publick warehouses. Whereas the planters and gentlemen of Virginia who send their own tobacco home on freight are not permitted to make use of the boats or seamen belonging to any of the ships, tho' the masters of the ships would often be willing to carry it gratis to the Inspectors for the sake of the freight. But herein the Assembly chose to lay an unequal restraint on the people of the country, rather than any of the ends proposed by this bill should be defeated; leaving the merchants and factors to manage their purchased tobacco in their own way, with no other restriction than that it must at last pass under the view and approbation of the Inspectors, before it be put on board for exportation. The advantages proposed to the people of Virginia by this act, are, the preventing the pillaging their hhds. by the sailors, and an honest delivery of what is ship'd here; a just payment of all publick dues to the clergy, publick officers and creditors; and the raising the value of their staple by suffering no tobacco to go to the markets at home, but what is really good, to which the precautions for preventing the fraudulent running to deceive the King in his Customs will not a little contribute, for since it is found by experience that good tobacco will always fetch a good price, if the market is not clogg'd with that which is bad; so when none but good tobacco is sent home, and all men are on an equality with respect to the payment of the dutys, there will be no encouragement to undersell one another. To conclude, the interest of the Crown is so interwoven with that of the parties concerned, by the regulations established in this bill; and the trade and shipping of G. Britain render'd so easy, and all founded on the principles of justice and honesty, that I am in hopes it will meet with no opposition from the Virginia merchants or any other: but if any objections are made to it before yr. Lordships I beg your Lordships to give me leave to explain them, for which there will be no want of time, since it is not to take place until the first of August, 1731. And tho' no scheme can at first be made so perfect as that no inconveniency can happen in the practice, yet I hope your Lordships will excuse me when I say, that I am perswaded, the longer it is known *etc.* the better it will be liked by all persons concern'd, for 'tis a most excellent law. But if in its execution any faults should be discovered, the same may

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be remedied by a future Assembly, and made so agreeable to all interests, that this law may be renewed for a longer time than its present continuance of four years. *No. iii.* The next act I shal mention (tho' it pass'd the first of the Session) is that for repealing the former tobacco law, which prohibited the tending above 6000 plants for each tithable; this regulation was sett on foot about 5 or 6 years ago, and was renewed and continued in 172 $\frac{7}{8}$ but upon enquiry into the manner of its execution, I found it a useless law, which only laid a burthen on the people to support a number of persons to count the tobacco plants, but made no change either in the quality of the tobacco, or prevented the frauds in packing and paying away the trash. And indeed it seemed only calculated to discourage the taking up of new land, where the number of 6000 plants will yeild in weight not much more than half of what the like number will produce in old manured grounds. These with many other reasons had the good fortune to prevail, and so well it answered what I intended by it, a more easy reception to my scheme *etc.* The act now mentioned, besides the repealing clause, has in it many beneficial clauses for preventing the tending of seconds (as they are called) which is cultivating a second plant of tobacco from the same stalk after the first hath been eutt of, and is ever accounted trash as growing too late in the year for the sun to ripen it. Upon the whole, there could not be a better method devised for the advantage of both King and People, than by allowing every planter to make as much tobacco as he can, and destroying the trash to lessen the quantity and mend the quality, which are some of the good things provided for by the new law. *No. iv.* An act to prevent the malicious burning of tobacco houses *etc.* This is to supply the defect of the common law which only makes the burning of dwelling houses felony; But as the setting fire to storehouses for goods, tobacco houses, or other houses built for securing the annual product of people's labour, are equally destructive to the property of the subject, and often more easily accomplished, it was thought fit this offence should be subject to punishment with the burning of dwelling-houses. In this act also is contained a means of trying accessarys to felonys, tho' the principal felons be not taken and convicted; a very necessary law in a country which is so much crowded with convicts, and who after they have committed a crime may easily be concealed by their abettors, until they find means to escape into another Government. *No. v.* An act for ascertaining damages on protested bills of exchange *etc.* This is part of that law passed in 1705 which was lately repealed: but is now clear of all the clauses to which your Lordships took exception. The damages on the protested bills which by the repealed law were 15 pr. cent. are now reduced to 10 pr. cent. pr. annum, nor is that to exceed eighteen moneths without the drawers own fault. Provision is also made herein

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to advance the credit of bills of exchange, by giving them the same dignity as a judgment against the estate of the drawer after his death. Here is also a more speedy remedy given for the recovery of debts due on promissory notes, and for making notes, bonds and obligations assignable. All which are very necessary for the carrying on trade and commerce where a sufficient currency of ready money is wanted. *No. (vi)* is the act for continuing the duty on liquors *etc.* The duty of three pence a gallon on wine, rum and other distilled spirits imported from any place (Great Britain excepted) is continued for three years from the 10th of June, 1731 *etc.* There are in this act many concessions more favourable to the merchants than in the former act ; of which I need not trouble your Lordship[s] with the particulars, since the design of this act is the same as the other, the lessening the tax or levy by the poll conformable to the Royal Instruction, and that many acts of the like nature have from time to time been approved of by your Lordships. *No. vii.* An act for the better regulating the payment of the Burgesses wages is so agreeable to common justice, that nothing can be objected to it : for as no Burgess is to be paid but when he attends the service of the House, that discontent which often has been raised among the people on being obliged to pay their Representatives whilst they remained at home about their private affairs, or perhaps in pursuit of their pleasure, will be now removed. And on the other hand, whenever it shall be found necessary (for easing the levy by the poll) to pay them out of the publick money, they are then to receive no more than 10s. a day instead of 13s. at which their wages was formerly computed and paid ; but no such payment is to be allowed, unless there be left in bank after all wages and other publick charges are satisfied £1500 at the least, for answering any sudden exigency of the Government. Now H.M. Instruction requiring me to get a law pass'd for reducing the sallery of the Members of the Assembly within the bounds of moderation, I hope this wch. makes so great a reduction of the publick charge of Assemblys will be the more acceptable, as it is the only one of that kind that has ever been attempted since the original of that Instruction (the 14th) which, as I am told, has been repeated to every Governour for these fifty years past. *No. viii.* is the act to prevent losses to executors and administrators *etc.*, and is explanatory of some former laws concerning the management of dead men's estates, and much more agreeable to the laws of England than any that hath been enacted heretofore on that subject. I need say no more of it than that by reading the title your Lordships will observe there is nothing in the bill but what hath been established by several late statutes of England, an example which the Plantations will not be blam'd for copying after. *No. ix.* The act to enable the sale of goods distrained for rent *etc.* is also taken from the several acts of Parliament

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made in the reigns of K. William and Q. Anne on the same subject, which are modell's worthy our imitation. *No. x.* The Act to disable any Sherif or other person to sett as a Member of the House of Burgesses, who shall accept any place of profit after his election etc. hath nothing to be offered in its favour, except that it is an imitation of the laws of England made for securing the freedom of Parliament : but in my humble opinion this country is yet too young for so refined a regulation. Places of profit are indeed but few, but men of capacitys for the discharge of them do not much more abound ; therefore either the Government must be ill served, or the House of Burgesses meanly filled, if men of capacity and integrity must be shut out either of the one or the other. The Burgesses fondness for this bill, and my desire to keep them in good humour, while matters of greater moment were under their deliberation, prevailed with me to assent to it, knowing how soon it may be made void if your Lordships disapprove thereof, to whose judgment I shall submit etc. *No. xi.* is an act for encouraging the making of linnen cloth, but the execution suspended until approved by his Majesty. It is more calculated to amuse the people than to supply their wants : for tho' it is certain they suffer exceedingly this year through the small supply of goods sent in from Britain, yet, experience (they say) has shew'd that whenever their tobacco advances in its price, which always produces plenty of goods, they can purchase linnen at a cheaper rate than it can be made here, even with all the encouragement given by this act. But 'tis in your Lordships power to recommend it to H.M., or to lay it aside. And if the last be its fate, as I told them it would, it will be no disapointment, nor create any uneasiness here. *No. xii.* is an act for restraining the taking of excessive usury, the title whereof fully speaks the contents of the bill, and all that is in it, is to settle the interest of money at 6 pr. cent. *No. xiii.* An act to exempt the inhabitants of any county wherein ironworks are or shall be erected from clearing the roads leading to and from the same etc. This bill is of small account being only an alteration of part of an act of last session for encouraging adventurers in iron works, whereby their roads were to be made by the people of the countys ; now they are to be made by the undertakers, for which the works are free from all tobacco taxes for seven years ; and some other inconveniencies are removed to render the carrying on of these works the more easy. *No. xiv.* An act to revive the act for supply of certain defects found in an act prescribing the method for appointing Sherifs. This act hath been sundry times revived and continued, and is now made perpetual. *No. xv.* is the usual act pass'd each session for raising a publick levy to defray the public charges payable in tobacco ; such as the prosecution of criminals, killing of wolves, maintenance of prisoners, and many other ordinary expences, which are estab-

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lished by divers acts of Assembly, and are increased in this levy very considerably being now tenn pounds and a half of tobacco per poll amounting in all to 500,000 *lb.* of tobacco. I shall not take up your Lordships' time with observing on the other acts, pass'd this session, which are of two sorts; one, such as are framed for particular purposes, and such as have been prepared on the petitions of private persons. Of the first kind are the acts for dividing Stafford County; for erecting a new parish in Stafford; for dividing the parish of St. George; for the sale of land belonging to the Church of Westopher; for selling lands given for a free school in Elizabeth City County; for appointing justices and constables to weigh hemp; and preventing swine running at large in the town of Hampton; and the exempting some German Protestants from parish levys. All which are necessary laws for the convenience and benefit of the people interested therein; and have nothing disagreeable to H.M. interest or Instructions. Of the other kind are the five private bills herewith sent for the conveying of entail'd lands, which are to receive H.M. approbation, before they are to take effect; and will be more particularly enlarged upon by those who are to solicit H.M. assent thereto *etc.* I shall next take notice of other transactions in the Assembly *etc.* The first is a petition to the King in behalf of the inhabitants of the Northern Neck. This contains a long enumeration of exceptions against the legality of the grant of that territory of which I don't pretend to be a proper judge: But as to the boundarys claimed by the Proprietor, it seems very clear that the grant can extend no farther than so much of the rivers of Potomack and Rappahannock as were known at the date thereof. It is almost certain that unless the boundarys be settled, or the grant resumed in the King's hands, there will be a continual dispute between the people who take up lands under the Crown, and their neighbours claiming by grants from the Proprietor *etc.* *Refers to former letter.* *Continues:*—I find the people of the Northern Neck under great uneasiness that they should be distinguished from the rest of the Colony as persons excluded from the favour of the Crown, and who can expect no remission of any forfeitures they happen to incur, let the case be never so deserving of compassion. The Governour can pardon an inhabitant of that Colony as to his life, but the Proprietor has granted away to his lessee all escheats and forfeitures of lands or chattles, and there's no power to shew any favour in that case, whereby the innocent children may be punished for the crimes of their parents, without any hopes of that mercy and indulgence which the Crown has on many occasions extended to the people in the other parts of the Colony *etc.* If by purchasing the grant H.M. should take that tract into his own hands, it would prove not only great satisfaction to the people, but a large addition to H.M. revenue of quit-rents, for it is now farmed by the Pro-

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prietor at £450 pr. annum and it is supposed to be worth £700, besides that 'tis still encreasing by new settlements. The Council and Burgesses have prepared a congratulatory Address to H.M. on the arrival of his Royal Highness the Prince of Wales, and the conclusion of the Peace with Spain *etc.* *Refers to* Burgesses' Journal. *Has sent* the original to the Agent to be presented to H.M. by Lord Orkney. *Continues* :—The Burgesses having upon consideration of the extraordinary increase of their publick levy in tobacco, resolved to ease the people in the poll-tax, by paying their own wages out of the money arising by the duty on liquors, sent up the resolve to the Council where on the 8th of June it also passed with little opposition; but Mr. Fitzwilliams having entered his dissent thereto with his reasons, which severely reflected on the whole country, it gave great offence to the House, who two days afterwards sent a message to the Council for a copy of their Journal wherein that gentleman's dissent was entered: and having obtained the same, referr'd it to a Committee, who on the first July made a report to the House and the same was there agreed to, and contains a justification of their proceedings, with some other expressions in answer to and censuring of Mr. Fitzwilliam's reasons: but by my interposition the last part of the report for addressing H.M. to remove him was left out, tho' not without great difficulty carried in the House. This administered occasion of much discourse and many reflections on the Gentleman's conduct; he was represented as a person of a turbulent spirit unfit for Society, with many other harsh sayings, all which had been remonstrated to H.M., had not I taken great pains to mollify their resentment. And now as to the matter: it is certain that the duty on liquors was raised in order to lessen the levy by the poll, and by one of H.M. Instructions, the Governour is expressly directed to propose the laying a duty for this very purpose; It is also clear that the application of the money arising by that duty is left in the Genl. Assembly, and seeing it cannot be more properly applied than to the easing the people of that heavy charge of paying their Burgesses which in a long session is in many of the smaller countys upwards of 20 lb. of tobacco pr. poll, it cannot be said but that the Assembly were very justifiable in paying the burgesses out of the publick money, when the tobacco levy run so high as it did this session, and when also there appeared a prospect of a mean crop of tobacco. And I must confess to your Lordships that these considerations together with my desire to oblige the Burgesses who were passing so good a law, for it was then depending, as is that for amending the staple of tobacco, prevailed with me to pass, at the end of the session, the resolve for paying them in money, for which I hope I shal not incur your Lordps. censure. I shan't trouble your Lordships with my sense of this gentleman's behaviour: and therefore have but

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one thing more to add in relation to the proceedings of the Assembly, and that's the claim Mr. Spotswood laid before them, to upwards of £600 for his expenses and services in 1722 on the Treaty with the five Nations of Indians at Albany. The Burgesses to whom he made his first application, (having examined some other accotts. that they had long since called for from him, brought him in debt to the Government above £230 allowing him at the same time £100 for his trouble) mett with this extraordinary demand, on which they pass'd a resolve, on 6th July, that the House of Burgesses having given the sum of £1000 to enable Col. Spotswood to discharge that Treaty in aid of the revenue of 2s. pr. hhd. they were not engaged to consider his expences beyound that sum. After which he gives in a memorial to me in Council, in which he sets forth many things to which, as I told him, I was an entire stranger, but seems to conclude that the vote of the Burgesses points out to him that his payment must come from the King's revenue, since they say, they gave that money in aid of that revenue (but I must not conceal it from your Lordships. he did use his endeavours beyound the implication, but they would not come into it). Now forasmuch as this claim is of long standing, and never till now demanded from the Government here, I told the Council, and they advised me to it, that I would wait the directions of your Lordships and the Lords of the Treasury, before I concerned myself with a demand of so ancient a date. *Encloses copy of memorial and account etc.* *Continues* :—I shal be glad to receive yr. Lordships' commands therein, because, the payment of his rights for his lands, and the money he stands engaged for to the General Assembly are postponed until some determination be made in this demand *etc.* It seems agreed that the £1000 given was all expended, in paying the gentlemen with him, their expences and presents to the Indians, and that about a moneth before his return he was superseded from all the profits of the Government by Mr. Drysdale's arrival, and he offers his oath that he was out of pocket the sum mentioned in his accot. *etc.* *Continues* :—There is one particular in the Council Journals of 29th Aprill wch. for my own sake I must not pass over. Upon my receipt of H.M. warrant for discharging the expences of running the boundarys between this Colony and Carolina, I called for the accot. of what had been advanced and paid for provisions and the necessary attendants on that service; and having from the £1000 first deducted that, and considered of a proper allowance to the Surveyors, I found I could not better distribute the rewards to the Commissnrs. than by paying them so much pr. diem according to the respective times they were employed in that service from their setting out to their return; and as far as the remaining money would go, I according made the distribution which was approved in Council, I may say by every gentleman in the Colony. But Mr. Fitzwilliams,

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who left the other Commissioners about six weeks before they finished the line, seemed much dissatisfied that he was not equal in reward with the other two ; It was in vain to urge that he had the same allowance as they had, for every day he was on the service, and that it would be unreasonable to pay him who came home and received the pay as a judge in the General Court, while the others were toiling in the woods, and had no other profit ; he would not rest satisfied but insisted that the distribution was unjust, and that the money ought to have been equally shared amongst them as they were all equal in commission, and that being once put into that Commission he was entitled to his dividend if he had never gone out on the service at all ; and at last concluded that when the Carolina Commissioners refused to proceed, he had no business there, (tho' their orders were to go on without them) for all that was done afterwards was void ; arguments which I thought very strange ones, and am now convinced by : for when money is given for particular service, he that leaves that service, comes well off, if he is rewarded for what he did, and in my opinion has no reason to complain. Besides, for a person commissioned to act in behalf of the King, according to what shall be agreed by the majority of the persons joyned in commission with him, to separate from them and chime in with the Proprietors' Commissioners, with whom he had no concern, is no very just execution of his trust ; for by the same logick if the Carolina Commissioners had refused to go above tenn miles on the line, the whole service must have been disappointed, if his dissent from his colleagues must make their future proceedings void. But I hope this gentleman will be better advised by his friends than to bestir himself to seek a greater share of the money than what is his right, or to complain of me for not injuring the other Commissioners to gratifie him. As he went for England before the session of Assembly was ended, all I mean here is to sett this matter in its true light, that if the gentleman should complain of my distribution, your Lordships may judge with how little reason it is that he is offended. It is my constant endeavour so to demean myself on all occasions that I may have some reason to hope your Lordships will not be displeased with my conduct *etc.* Signed, William Gooch. Endorsed, Recd. 14th, Read 30th Sept., 1730. *Holograph.* 13½ pp. *Enclosed,*

348. i. Lt. Governor Gooch's Replies to Queries by the Council of Trade. (i) *Describes* boundaries in Charter of 1606. *Continues* :—But the boundarys of Virginia, as it is now circumscribed, are, E. and S.E. the main Atlantick Ocean ; S., a due west line from the mouth of Corrotuck Inlet which lies in the latitude of 36°. 30'. divides Virginia from No. Carolina ; and N. a line from the sea through that Isthmus called the Eastern Shore to the Bay of Chesapeak opposite to that point

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of Potomack River called Watkins Point, and thence the said River of Potomack divides this country from Maryland, unto the true meridian of the first fountain of Potomack, which is the utmost boundary of Maryland westward, and then Virginia resumes its ancient breadth, and has no other limits to the westward than what its first Royal Charter assigned it; and that is to the So. Sea, including the Island of California. But accounting its breadth from the West line which divides it from Carolina on the South to the first fountain of Potomack on the North, it will extend on the back or western side of Maryland as far as the Lat. of 39° North, *etc.* *Describes* soil and situation, capable of the same productions as the finest countries in the world. "With little labour, and little manure, everything is propagated which the planters have hitherto attempted *etc.* The air is temperate, rarely exceeding 30 days of extreme heat in the summer, nor the like number of very cold in the winter *etc.* As to its longitude, no observations have yet been made thereof, and the relations of masters of ships concerning their westing on their voyages hither differ widely *etc.*" But, long before the Board's queries were received, he had given orders for proper instruments for ascertaining the true longitude. *Continues:*—As this western boundary is at present little known, nor much probability of its being fully discovered in many ages, it may suffice to describe that limit which is now well known, and in divers places inhabited; and that is the great chain of mountains, which at 200 miles distance from the sea runs along the back of Virginia from N.E. to S.W., from Potomack River to James River. Here many late settlements have been made up to the foot of these mountains, and great quantities of land daily taken up there; and this is like to be the first limits of the inhabited part of this country for some years, unless a discovery of some rich mines among those mountains tempt people to extend their settlements more westward; in which case, there is another natural boundary not far distant which will put a period to their excursions, and that is the Lakes Eri, Huron and others, *etc.* described in the travels of Hennepin, Lahontan and other French writers. Whenever this Colony shall have extended its settlements thus far, it is probable there may be some contest with the French about that boundary, but at present we have none as to its limits, since that with No. Carolina has been lately settled and marked out as far as the great mountains, and the Proprietor

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of Maryland seems contented. (iii) *Describes* the constitution of the Government. *Continues* :—There is in each county a Court held monthly by persons commissioned by the Governour, who have not only the power of Justices of the Peace, but have cognizance of all suits of what value soever arising within their respective jurisdictions both at common Law and in Chancery, except only such criminal offences as are punishable with loss of life or member. For the City of Williamsburgh there is also a Court of Hustings held monthly before the Mayor, Recorder and Aldermen for all suits at common Law arising within the town, and not exceeding the value of £20. These are the inferior Courts in the Government, and from their judgments an appeal lyes to the General Court, the appellant giving security to prosecute the same. The General Court consists of the Governor and Council *etc.* *Describes jurisdiction etc.* For preventing of long imprisonments for matters criminal there are two Courts of Oyer and Terminer held yearly *etc.* The Judges here are the Members of the Council, and sitt by the Governour's Commission, pursuant to H.M. Instruction. For the punishment of slaves committing capitol crimes, a commission of Oyer and Terminer is issued by the Governour directed to the Justices or other principal inhabitants of the county where the offence is committed to try the offender on proof of the fact by witnesses, without any jury; and upon conviction the Commissioners award execution, and sett a value on the slave, which valuation is afterwards paid to the owner by the General Assembly, as an encouragement to the people to discover the villainies of their slaves. *Describes jurisdiction of Admiralty Court and Commissary's Court and constitution of Council etc.* (iv) The trade, exclusive of that which is carried on in Brittish shipping, is not considerable. It consists of one ship, six brigantines, and sixteen sloops, seafaring men may be computed at 8 each *etc.* As to the small shallops which are constantly employed in the Bay and in transporting the country commoditys from one river to another, their crews can't properly be termed seamen, being for the most part planters with negroes *etc.* (v) The people are supplied from Great Britain with all sorts of woollen manufactures, such as broad cloth, kerseys, duffels, cottons, crapes, rugs, blankets, norwich, and other stuffs and stockings; with all sorts of linnen as well of Germany, Holland, as of British and Irish manufacture; and all manner of household furniture and wearing apparel, as callicoos,

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persians, taffatys and other East India silks; with iron ware, such as locks, hinges, nailes, carpenters, joyners and smiths' tools, axes, hoes, small anchors, fire arms and in general with great part of our wines, with our spices, fruit, loaf-sugar and other necessarys for families, the value of which has been computed at £200,000 pr. annum, but I am satisfied 'tis almost half as much more, in such years as their staple commodity hath enabled them to purchase without running in debt, but at present the trade is so low that the people are forced to content themselves with bare necessarys, the importation from G. Britain this last year, being chiefly in protested bills. I am sure not £100,000 worth of goods brought into the country: this is a barter that well deserves to be taken care of.

(vi) There is no trade from hence to any part of Europe except from Great Britain. Some attempts were made to export wheat to Portugal about three years ago, but the Adventurers mett with so little encouragement that they soon gave over the thoughts of prosecuting that commerce any further. There is a pretty large export of wheat, Indian corn and pease, and of wax to the Island of Madeira, in return for wine *etc.* To the Plantations of foreigners in America this country hath no commerce, except to Surinam, from whence there hath been brought hither the last year about 130 hhds. of melasses, and the commoditys carried thither were Indian corn, pease, and pork. The like trade hath formerly been to Curassoa another Dutch settlement, and to Martinico and Guardaloupe, but that has for some years past been discontinued.

(vii) For preventing illegal trade, the only methods that are or can be used is the diligence of the Naval Officers and Collectors in their several districts strictly to inspect the cocquets and certificates of the several vessels trading here, and to examine what commoditys are landed out of them. Many ships and vessels have been seized by this means and condemned, and this will still prove effectual to prevent great frauds: but after all 'tis impossible altogether to prevent the running of small quantitys of prohibited goods where there are so many landing places remote from the inspection of any officer, and the country people ready on all occasions to assist the offenders in the concealment thereof. Riding surveyors and searchers along the Bay of Chesapeak, especially in that part which lyes nearest the Capes would be of great use to guard against such illegal trading; but even that security which was once established by a Surveyor for Linhaven

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Bay and between Virginia and No. Carolina has been of late taken away by the suppression, as I am told, of that Officer, at lest there has been none for some years past to do the duty of that office. (viii) This country produces all manner of timber fit for building of ships ; masts, yards and boltspritts ; clapboards and shingles fit for houses ; pipestaves and heading ; of these there are exported to H.M. Plantations in the West Indies to the value of about £1000 pr. annum. Pitch and tar before the bounty was taken away in England were made in great abundance, and 'tis hoped the same work will again revive on the encouragement of the new bounty. Pork is one of the principal exports of the country of which there is carried out communibus annis about 3000 barrils, worth in sterling money 25s. pr. barril, and of late the people have begun to raise stocks and to export beef, but this being but just entered into, no certain judgment can be made how much may be spared for exportation. The quantity of wheat and Indian corn exported is very great, of the former from 10,000 to 20,000 bushels in a year, and of the latter double the number *etc.* ; but 'tis difficult to ascertain the value, since the greatest part of both is exchanged for rum, sugar, salt and melasses brought hither by the people of New England and Bernuda ; but taking one year with another the price of wheat is 2s. 6d. pr. bushel and of Indian corn 1s. 6d. There are other productions of the Colony exported, such as bever skins, buck and doe skins, otter, raceoon *etc.* to the value of £1500 pr. annum ; besides, black walnut plank, snake root, sassafras bark, myrtle wax, beeswax, tallow of which no certain computation can be made. The making of hemp is begun with good hopes of success, but the want of skilful persons in the management of it has retarded its progress. (ix) Mines of iron oar are found in many places, and five furnaees for melting of it are already sett up. Three copper mines are already discovered, two in the Northern Neck, and one in the county of Spotsylvania ; the oar is very encouraging ; on one they are at work, and will very soon begin with the other two. There are also many signs of lead, tin and antimony in the places near the great mountains, but for want of men skilled in these and other richer metals may for many years remain undiscovered. (x) The rule for computing the number of inhabitants is by the list of tythables on which the publick tobacco taxes are laid ; these are all white male persons above sixtenn years of age, and all blacks male and female above the same age. Of these there are now about

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51,000, and of them about 30,000 may be reckoned blacks. Women and children are reckoned as treble these numbers *etc.* (xi) The inhabitants are greatly increased within these last ten years, since the number of tithables have in that time increased upwards of 12,000, tho' for two or three years of that time there happened a very great mortality through a malignant fever and pleurisy, which raged in most parts of the country in the winter of those years. But the great numbers of negroes and white servants imported since 1720 together with the early marriages of the youth, and prolifick temperament of the women both white and black, must necessarily occasion a great increase of people in a country free from much luxury, and where Nature has been so bountifull as to furnish the conveniencies of life with less labour and anxiety than in many places of the world. (xii) Militia, Troops and companies given by counties. *Total*, 91; 128, or 4550 horse and 7680 foot. *Continues* :—This Militia is made up of all free male persons above 21 years of age and under 60 *etc.* *Enumerates* officers. There hath been lately an Adjutant, whose business is to instruct both officers and men, and he has made a good progress therein *etc.* The ordinary people want a good deal of polishing, and on that account, too, these regular exercises will be of great benefit *etc.* (xiii). There are no forts in this Colony, nor any places of defence, except some batterys of great guns at the mouth of the great rivers, which can only serve for a protection to the merchant ships against pirates or privateers, but no ways tenable against an enemy that has force enough to attack them by land. These batterys being erected in 1721 on platforms of wood, are not like to last long; besides the carriages begin to decay and must speedily be supplied with new ones. The battery at the mouth of James River is entirely gone, the guns lying in the sand on the beach, of which I gave an account to the Board of Ordinance, but have received no answer. It is much to be wished that the Colony was in a condition to build forts of more durable materials than these batterys are; but the charge of regular fortifications, together with the expence of maintaining sufficient guards therein, without which they would become rather a snare than a defence, is an undertaking too great for the small funds the Assemblys here are allowed to raise. (xiv) The Indians tributary to this Government are reduced to a small number, the remains of the Makerin and Nansemond Indians are by running the boundary fallen within the limits of

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No. Carolina. The Saponies, and the other petty Nations associated with them being disturbed by the Tuscoruroes, are retired out of Virginia to the Cattawbaws. So that there remain only the Pamunkeys on York River, and they not above tenn familys ; and the Nattoways on the south side of James River, whose strength exceeds not fifty fighting men. Both these Nations are seated in the midst of the English settlements, and hitherto have maintained a friendly correspondence with them. (xv) We have no Indian nation of any strength nearer than the Five Nations *etc.*, and the Cattawbaws and Cherokees in the limits of Carolina. Both of ym. near 400 miles from the inhabitants of Virginia. (xvi, xvii). Virginia is so remote from either the French or Spanish settlements that there is no communication between us *etc.* ; the nearest is the French, if at this time they have any settlements on the Lakes : But if they only possessd what they some years ago abandoned, their Fort on Lac St. Clair, they are yet 200 miles distant from our frontier plantations ; nevertheless it is certain that their traders between Canada and their new settlement on the Messisippi make their rout annually near to the frontier settlements of Virginia. Since crossing the Lake Ery which lyes about 60 or 70 miles west of our mountains, they ascend the river Meamis in their canoes, and thence by a short land carriage pass into the great river Occabaïke, and with its stream are carried into the Messisippi not far from their new Colony. So that in this passage they make use of two rivers, which have their sources in the Virginia mountains ; and it is reasonable to believe that whenever they have more people on that side the mountains, the natural curiosity of that Nation, or indeed any other, will lead them to a discovery of these mountains to which the course of these two rivers will soon guide them, and from thence they may easily perceive the manner of our places of abode, dispersed and defenceless, except what the difficulty of passing over such a large ridge of mountains affords ; and what effect such a discovery may have in case of a rupture between the two Nations, is not hard to foresee. (xviii-xx) The revenue is 2s. sterl. on every hogshead of tobacco exported, abating an allowance of 10 p.c. to the masters of the ships for paying in bills of exchange ; 15d. pr. tun on all ships and vessels trading here, commonly called port dutys ; 6d. an head for every passenger imported ; fines and forfeitures, for breaches of the penal laws, *etc.*, contempts to Courts of Justice,

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breaches of the Peace or convictions for felonies or trespasses, freights for taking up land, which is 5*s.* for every 50 acres. The three first branches of this revenue are appropriated by the act of Assembly for raising the same, as are also forfeitures for breaches of the penal laws, for and towards the support of the Government, and its contingent charges, and for maintaining forts and fortifications. The casual fines and forfeitures in the 4th branch were first appropriated to the support of the Governmt. by warrant from K. Charles II, and have continued so ever since. The last branch of the rights was established by order of the Governour and Council in 1699 to supply the defect of importation rights, on which only people were then entitled to take up land, and since that time has made a very considerable addition to the revenue. All these several branches amount one year with another for these tenn years past to 4000*l.* pr. annum or near that sum. The ordinary expences of the Government, including the Governour's, the Council's and all other the established officer's sallerys, amount to 3104*l.* pr. annum. The extraordinary expences is not easy to be computed, because it rises and falls as the exigencys of the Government require ; But if it be demanded, what the casual expence may amount to, when no extraordinary accidents happen, it is answered, that the charges of expresses and messengers, of repairing the Governour's house, and other incidents come to £300 pr. annum ; but on extraordinary occasions, such as alarms of Indians by land, or forreign enemies by sea, the repairing of batterys, removing of great guns, ammunition etc. from one place to another, dispatching orders to the militia, these and such like services have cost double that sum. Gives list of officers' salaries *as above.* *Continues* :—There is also a revenue of 3*d.* per gallon on all liquors imported from any place, Great Britain excepted, which was to continue for five years from 10th June, 1726, and one penny more from that time for and during 21 years. This is appropriated to such uses only as the General Assembly think fit, for lessening the levy by the pole, and is applied towards paying for negro criminals condemned and executed, for defraying the charge of the officers of the Assembly ; keepers of the magazine and gaol etc., and 200*l.* to the College of William and Mary. The officers belonging to the General Assembly have no standing annual sallery, but are paid proportionably to the length of the session. This revenue brings in about 2100*l.* pr. annum, for from 10th June 1726—1730

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it amounts to 8521*l*.1*s*.10½*d*. and has and is to discharge the following demands : the Assembly in Mr. Drysdale's time, 1726, Burgesses' wages, 1300*l*. ; slaves and repairs of the Capitol, 506*l*. ; officers of that session and charge of prisoners, £758; Assembly in Mr. Gooch's time, March, 1728, slaves, £741 ; officers and prisoners, work and repairs, £948 ; College and town land, £716. The Burgesses were not paid, but they gave to him, £500. Assembly ended July 9, 1730 :—Payments for slaves, officers, printing the laws, weights and scales wth. the College, £4000 ; Burgesses' wages about £2,200, Total, £11,669. July 25, 1730. *Endorsed*, Recd. 14th Sept., 1730. 12 *pp*.

348. ii. Address of the Council and Burgesses of Virginia to the King. Express joy at safe arrival of Frederick Prince of Wales etc., and their felicity under Lt. Gov. Gooch. *Endorsed*, Recd. 14th Sept., 1730. *Copy*. 1½ *pp*.

348. iii. Memorial of Col. Spotswood to Lt. Governor Gooch. July 7, 1730. Governor Drysdale promised to lay before the next Assembly the £600 by which the expenses of memorialist at Albany *etc.* fell short of the £1000 voted. Nothing being done in that behalf, memorialist applied by petition in England, but was answered he should first apply to the Government here. *States resolve of Burgesses etc. as in covering letter. Signed*, A. Spotswood. *Same endorsement. Copy*. 2¼ *pp*. *Enclosed*,

348. iv. Account of disbursements of the Albany Treaty, 29th July—26th Oct., 1722. £1602 16*s*. 3*d*. *Signed*, A. Spotswood. 1 *p*.

348. v. Proclamations by Lt. Gov. Gooch. (i) (ii) Duplicates C.S.P. 1729. Nos. 796 encl. iii (d) (e). (iii) Proroguing Assembly till 21st May, 1730. Jan. 24, 1730. (iv) Proroguing Assembly till 12th Feb. 1730. Oct. 22, 1729. (v) Publishing repeal of Act *declaring how long judgments, bonds etc. shall be in force*. 15th April, 1730. (vi) Proclaiming Peace with Spain. 29th May, 1730. *Signed*, William Gooch. *The whole endorsed*, Recd. 14th Sept., 1730. 5 *pp*. [*C.O.* 5, 1322. *ff.* 51, 52*v*.—66*v*., 68—73*v*., 74*v*.—75*v*., 76*v*.—78, 79—80, 81, 82, 83, 84—84*v*. (*with abstract*).]

July 17
& 23.

349. Memorial of loss and damage sustained by the crew and shippers of the *Parthenope* of London, taken by a Spanish privateer off Malaga, on a voyage from Newfoundland to Naples, Gallipoli, Messina and London, 7th April, 1727. 14 *pp*. [*C.O.* 388, 90. *ff.* 53—55, 94—97*v*., 168, 169, 170.]

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July 24.

Virginia,
Wmsburgh.

350. Lt. Governor Gooch to the Duke of Newcastle. The return of H.M.S. *Biddeford* from this station gives me the honour of paying my duty to your Grace, and the opportunity of sending herewith the transcripts of the Journals of the Council and Assembly, *etc.*, and the 29 acts passed in the last session which ended on the 9th instant. I shal not venture to take up your Grace's time with observing on the particular laws now made ; but it is with a particular pleasure that I can now acquaint your Grace that I have obtain'd a law upon the basis of that scheme I, the last year, communicated to your Grace, with no other material alteration than that of appointing a great number of publick warehouses where the tobacco is to be viewed and weighed. But as no tobacco is to be exported except that which is strictly good and merchantable, and a great step taken towards preventing the stealing and running of tobacco in Britain by stamping the nett weight on each cask, I make no doubt but H.M. revenue will be very much increased by a greater consumption, and the provision made for securing of the duty, and a foundation laid for improving the staple of tobacco to the highest pitch it is capable of. But as it is impossible for the wit of man to frame a law which neither envy nor interest can find room to quarrel with, so if either the one or the other should attack this, I hope your Grace will have the goodness to screen it nevertheless from H.M. displeasure, until it has time to justify itself, by displaying in its execution the advantages both to the Crown, and to the subject for which it is calculated. I am now to intreat your Grace's favour to a poor unhappy widow and three small children : one Edward Chambers of the County of Hannover planter, sometime since went out with his gun and was found dead in the woods, and by the Coroner's inquest it is returned that he murdered himself, whereby all his goods are become forfeited to the King, the whole amount of which, as valued by the persons sworne to appraise the same, is no more than £91 17s., Virginia money *etc.* *Intercedes* for remission of this forfeiture *etc.*, and *reminds* his Grace of the case of Andrew Bourn, convicted of murder in killing a negro slave, and of Frances Green found guilty of concealing the death of her bastard child, recommended for H.M. mercy in former letters *etc.* *Has sent* enclosed address to Lord Orkney to be presented to H.M. *Signed*, William Gooch. *Endorsed*, R. Sept. 18th. 2 $\frac{2}{3}$ rd pp. *Enclosed*,

350. i. (a) A Proclamation by Lt. Governor Gooch for a Day of Fasting and Humiliation. "Whereas this Colony hath for these two years past been threatened with an unusual multitude of caterpillars and now again in a more surprizing manner by the visible increase of those destructive insects to the apparent hazard of the fruits of the earth, which impending calamity can only be averted by that almighty power who it is justly to be

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feared has sent the same for the punishment of an offending people " *etc.* Williamsburgh, 1st April, 1729. (b) Proclamation proroguing the Assembly till 12th Nov. 19th April, 1729. (c) Proclamation proroguing the Assembly till 12th Feb. 22nd Oct., 1729. (d) Proclamation proroguing the Assembly till 21st May. 4th Jan., 1729(30). (e) Proclamation for publishing the repeal of the Act *declaring how long judgments, bonds, etc. shall be in force.* 15th April, 1730. (f) Proclamation notifying the Peace with Spain. 29th May, 1730. *Copies. Signed, William Gooch. 4 pp.*

350. ii. Address of the Council and Burgesses of Virginia to the King. *Express* joy of all H.M. subjects of the Dominion at the safe arrival of Frederick, Prince of Wales in Great Britain and the conclusion of peace with Spain, "wherein not only the wisdoms of your Majesty's counsels, your constancy and steadiness in pursuing the true interests of your people, but the weakness of those whose artifices and intrigues have so long opposed and obstructed this good work are sufficiently displayed to the world " *etc.* *Acknowledge* the advantages which will result to them, their trade and navigation *etc.*, and their felicity under the rule of the Lt. Governor, whose abilities and good disposition, under H.M. great care and regard for his people, concur to support H.M. honour and to secure them everything they can wish for *etc.* *Signed*, in behalf of the Council, Robert Carter ; in behalf of the Burgesses, Jno. Holloway, Speaker. 1 large p. [*C.O.* 5, 1337. Nos. 49, 49 i., 39.]

July 25. **351.** A short state of Jamaica with respect to the rebellious and runaway Negroes. Jamaica labours at present under many disadvantages by its trade to the coast being altogether stopped, and of course many seafaring men who formerly inhabited there for that purpose have gone to the northern Colonies. Its number of white inhabitants is thereby much diminished, and the only spring from whence it had its current coin dried up ; so that it is with difficulty that even the richer sort of people can get of the clipped light, and current money (raised and bad as 'tis) sufficient to go to market for the necessaries of life ; cash is now become so scarce, that no considerable payments or contracts are made but for and in goods, as no doubt the merchants in England know by experience. At the same time our white people rather decrease than increase, which may be imputed to the intemperance as well of the meaner people new comers as of the climate, whereas it is better adapted to the negroe constitutions, and of course they increase as well by the

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continued numerous import as by breeding, and as great numbers daily desert their masters, some through humour, some through ill usage, they have made themselves severall large plantations, towns and settlements, in the most fertile valleys among the midland and eastern mountains, which are by natural passes, and precipices almost inaccessible, and the country being all over well wooded, it is now become (I think) the most laborious service can well be undertaken to march against them ; Our best woodsmen cannot march above five miles a day, and when they come upon the towns (unless by surprise which is very rare) they come fatigued with their march, their arms and ammunition frequently wett or spoiled, with their being obliged to ly nightly in those unsettled woods, exposed to the rains and the usual excessive foggs, and when they come into their plantations, they find they are not only artfully but securely laid out, and guarded by lanes of wood wherein the negroes hide, and shoot the men sent after them *etc.* *Describes recent disaster (v. 4th July).* *Continues :—*We are now fitting out another party of 300 men, which if defeated as (tho' God forbid) I really apprehend they will, we have nothing left but Marshall Law and a general march ; the ill consequence of which is much to be dreaded, for who have we to leave in our own plantations to keep our own negroes in order. In our last Marshall Law (and our numbers are not since increased) wee found that in the whole Island we have not above 2,500 effective men, and six tenths of those being indented servants not to be depended upon against a foreign enemy, because it is their interest to get their freedom which no doubt an enemy would proclaim (and if they were faithfull) they are generally ignorant of the use of arms. Let it be considered of what service so small a number of men, even if good, can be in so extensive a country *etc.* The free negroes are in sympathy with the rebel negroes who get their supply of arms and ammunition from them *etc.* Nothing but numbers of white people can save us, and the Island have tryed methods both to bring over and encourage white people, but all ineffectual, what through our own inability, or party disputes. Who is then to be applied to but the Crown ? But then it happens there's a headstrong, blind, positive Assembly who will not be either cajoled or persuaded nor even driven to apply for soldiers and of course, as 'tis said wont add to their subsistence if sent hither ; soldiers, a standing army, bugbears and words, made use of to fright folks, as if everything is to be lossed rather than ask for such creatures to ride us *etc.* This is the phrase, but hard it is that other private people's rights *etc.* should be so precariously dependant on their caprice, and it is humbly to be hoped the merchants. will apply, and the Minister advise the King to send over at least one if not two thousand effective men, which I doubt not the country would rather provide for, and subsist, than want *etc.* *Submitted by,* a true and loyal subject and real

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friend of Jamaica, who has a good estate in it *etc.* *Endorsed*, Recd., Read 8th Oct., 1730. Communicated to the Board by Mr. (H.) Popple. $5\frac{1}{3}$ pp. [C.O. 137, 18. ff. 104–106v., 107v.]

July 25.
Antigua.

352. Governor Mathew to the Council of Trade and Plantations. Acknowledges letter of 20th May, and receipt of new seal, and returns the old one. Has no public papers to transmit, and nothing new to lay before the Board. *Signed*, William Mathew. *Endorsed*, Recd. 17th Sept., Read 13th Oct., 1730. 1 p. [C.O. 152, 18. ff. 134, 135v.]

July 28.
London.

353. Joseph Browne to the Council of Trade and Plantations. States his case (*v.* 14th July), with details of his own movements *etc.* *Signed*, J. Browne. *Endorsed*, Recd. 28th July, Read 13th Aug., 1730. 4 pp. [C.O. 5, 1267. ff. 211–212v., 213v.]

July 28.

354. Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. In reply to Mr. Popple's letter *etc.* we are of opinion that in regard the place where the lands [*granted to Sir N. Johnson by the Lords Proprietors of Carolina*] lie is not described, nor any method provided by which the same may be ascertained, such grant of the two Baronys is by reason of the uncertainty thereof absolutely void in law. *Signed*, P. Yorke, C. Talbot. *Endorsed*, Recd. 30th July, Read 13th Aug., 1730. $1\frac{1}{2}$ pp. *Enclosed*,

354. i. Copy of the second Charter of the Lords Proprietors of Carolina. *Printed*. 10 pp. [C.O. 5, 361. ff. 150, 150v., 151v.–157v.]

July 28.

355. Mr. Attorney and Solicitor General to the Council of Trade and Plantations. Report upon Act of Montserrat, 1729, *for establishing a Court of King's Bench etc.*, that by the first clause the Justices of the Court of King's Bench and Common Pleas are authorised to determine all suits *etc.* according to the laws and usage of the realm of Great Britain *etc.*, and by the third clause it is enacted that the said Justices shall have as full and ample power and jurisdiction *etc.* within the said island as the Judges of H.M. Courts of King's Bench and Common Pleas at Westminster have within Great Britain *etc.* "There is an ambiguity in the expression [the laws and usages of the realm of Great Britain] since that includes Scotland as well as England, and if it were strictly confined to England, yet it is capable of being construed to extend all the laws and statutes of England to the Island of Montserrat, which construction may be the more strongly supported from the provision of the third clause" *quoted above*. *Continue* :—By the eighth clause in certain cases not exceeding the value of fifteen pounds current money, the oath of the plaintiff, if the Court shall think fit, is made to be

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sufficient evidence of his debt or demand, which is not agreeable to the rules of Justice, and may be attended with inconveniencies. Altho' there are many other provisions in this act which do not appear to be liable to any objection, and if they stood alone might be very fit to be approved, yet for the reasons above-mentioned we are of opinion that this act is not proper to be confirmed *etc.* The first clause of the Act of *settlement and limitations for avoiding suits at law* is very incorrectly and obscurely penned, so as to be almost unintelligible, but as that relates only to writs of formedon, a kind of action hardly ever used in the Plantations, and as the other parts of the act appear to us to be very usefull and beneficial to the Island, we think it may be fit to be confirmed. *Signed*, P. Yorke, C. Talbot. *Enclosed*, Reed. 30th July, 1730, Read 3rd Dec., 1735. 3 pp. [C.O. 152, 22. ff. 6-7v.]

July 29
Aug. 8.
Rotterdam.

356. Mr. Hintze to the Council of Trade and Plantations. Asks for credit for £30 and repeats request for a letter confirming his instructions. *Signed*, Danl. Hintze. *Endorsed*, Reed., Read 4th Aug., 1730. *Addressed*. *Postmark*. *Seal*. 1 p. [C.O. 217, 5. ff. 205, 206v.]

July 29.
Windsor
Castle.

358. Mr. Delafaye to Mr. Popple. It being impossible for us, considering ye multiplicity of business and copying work in haste that we have at present to make a copy of the report of your Board upon ye affair of Sta. Lucia, My Lord Duke of Newcastle has resolved to send away the original to the King's Ministers at ye French Court by the first Messenger that goes thither, and to depend upon your friendship for a copy to be kept in his Office. As one should be as correct as possible in ye vouchers annex to it *etc.*, *calls attention* to what looks like a misquotation from Du Tertre I.8. as to the amount subscribed by the Seigneurs of the Compagnie des Isles de l'Amérique, and desires to be informed whether it is so, or not *etc.* *Signed*, Ch. Delafaye. *Endorsed*, Reed., Read 30th July, 1730. 2½ pp. [C.O. 28, 21. ff. 70-71v.]

July 30.
Whitehall.

358. Council of Trade and Plantations to the Committee of Privy Council. In obedience to Order of 21st inst. have made the alteration therein directed in Governor Johnson's Instructions. [C.O. 5, 400. p. 382.]

July 30.
Whitehall.

359. Mr. Wheelock to Mr. Delafaye. In the absence of Mr. Popple acknowledges letter of yesterday. *Continues* :—My Lords Commissioners have thereupon ordered me to get another copy of their report upon Sta. Lucia for my Lord Duke of Newcastle; their Lordships are obliged to you for your remark upon the Acte d'Association des Seigneurs de la Compagnie des Isles de l'Amérique. The observation you make upon that is

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certainly just; the *quatre vingt mille* ought to have been *vingt quatre*; but it is a mistake in the original from whence it was copy'd, and for that reason was left as it is, without any observation upon it, because my Lds. Commrs. do not quote this Act of Association for the sake of the precise sum which that Expedition cost the French, but to mark the time when this Association was first form'd, and to prove as well by that, as by the Cardinal de Richelieu's Comm. to Messrs. d'Enambuc and Rossey (No. 5 in ye Appendix) that the French were not then acquainted with Sta. Lucia. [C.O. 29, 15. p. 177.]

July 30. *360. H. M. Commission appointing James Sutherland Windsor Castle. Captain and Commander of Fort Johnson in South Carolina. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 36. pp. 232, 233.]

July 30. 361. Thomas Smith to the Duke of Newcastle. Being informed that a petition from New Jersey is soon to be presented to the King for a separate government there, *prays* to be appointed Governor. *Concludes*:—My services being in a great measure known to your Grace encourages me very much in this my application, as well as the inherent pretensions I claim to your Grace's patronage and protection from having been honoured with the like in a particular manner by your Grace's uncle John Duke of Newcastle *etc.* *Signed*, Thomas Smith. 2 pp. [C.O. 5, 983. ff. 19, 19v.]

Aug. 1. 362. Governor Johnson to [? *Mr. Delafaye*] Yesterday I had the favour of your letter and beg you will be so kind to present my most humble duty to my Lord Duke and assure him that I am so sensible of the obligations I lye under to his Grace, that whoever his Grace shall be pleased to name to me for the Agency of Carolina I shall use my utmost endeavours with the Assembly to accomplish it *etc.* I propose to wait on you before I leave England and receive your commands *etc.* *Signed*, Robert Johnson. 1 p. [C.O. 5, 388. f. 26.]

Aug. 1. 363. Mr. Attorney and Mr. Solicitor General to the Council of Trade and Plantations. We have considered the Charter of Connecticut and Mr. Winthrop's memorial *etc.*, and are of opinion, that by the said Charter the General Assembly have a power of making laws which affect property; But it is a necessary qualification of all such laws that they be reasonable in themselves and not contrary to the laws of England; and if any laws have been there made repugnant to the laws of England they are absolutely null and void. *Signed*, P. Yorke, C. Talbot. *Endorsed*, Recd. 3rd, Read 13th Aug., 1730. *Enclosed*,

363. i. Copy of Charter of Connecticut.

363. ii. Copy of John Winthrop's memorial. [C.O. 5, 1267. ff. 195, 195v., 197–210v.]

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Aug. 4.
Whitehall.

364. Council of Trade and Plantations to Lord Carteret. In pursuance of Order from Committee of Privy Council, (No. 344) *enquire* "what value your Lordship sets upon the eighth part" of Carolina *etc.* [C.O. 5, 400. p. 383.]

Aug. 4.
Whitehall.

365. Council of Trade and Plantations to the Duke of Newcastle. *Enclose* Addresses from the Lt. Governor, Council and Assembly of Bermuda and copy of letter from the Lt. Governor and Council, Oct. 16th, last, complaining of losses sustained by the Spaniards illegally seizing their vessels *etc.* and praying for a small ship and for the Independent Company to be continued there, to be laid before H.M. *Conclude* :—In the mean time we have caused a copy to be made for H.M. Commissioners in Spain of the inclosed account of the masters' vessels and cargoes belonging to Bermuda which have been lately taken by the Spaniards. *Autograph signatures.* *Endorsed*, Copy sent to Mr. Skeene, 24th Aug., 1730. 1 p. *Enclosed*,

365. i. Address of the Lt. Governor and Council of Bermuda to the Council of Trade and Plantations. Bermuda, Oct. 16, 1729. v. C.S.P. *under date.* Copy. 1 p.

365. ii. Account of (12) vessels and cargoes belonging to Bermuda lately taken by the Spaniards. *Total estimated value*, £9,500. Copy. 1 p. [C.O. 37, 26. Nos. 40, 40 i, ii; and (covering letter only) 38, 8. pp. 150, 151.]

Aug. 4.
Whitehall.

366. Bryan Wheelock to Governor Burrington. The Lords Commissioners for Trade signed their representation upon your Instructions so long ago as 10th June, and have waited ever since for your list of Councillors; But if you do not bring them the names of twelve persons proper to be inserted upon that occasion, by Monday next, they will either send away your Instructions without Councillors, or name them without waiting any longer for your advice. *Signed*, B. Wheelock. 1 p. [C.O. 5, 308. No. 8; and 5, 323. f. 16.]

Aug. 4.

367. Memorial of loss sustained by Thomas Fitch of Boston, on account of goods consigned to him from London and taken by Spanish men of war in the Channel, May 1727. *Signed and sworn to by*, Fra. Wilks, 4th Aug., 1730. *Enclosed*, Recd. 2nd Oct., 1730. 1½ pp. *Enclosed*,

367. i, ii. Copies of invoices of above goods. 2 pp. [C.O. 388, 92. Nos. 1, 1 i, ii.]

Aug. 5.

368. Governor Johnson to [? Mr. Delafaye]. *Proposes* that Capt. Sutherland (v. *supra*) be allowed 5s. a day out of the quit-rents as pay, since it would be greatly for H.M. service that his command should be independent of the Assembly. There

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has been hitherto no establishment of pay to the Commander of Fort Johnson "but what the Assemble gives which is but £30 a year, and makes the commander in a great measure dependant on them as happen'd to Capt. Sutherland was removed and a friend of theirs in his place. And it has happened in New England that when the Assemble have not been obliged in their recommendations of that kind, they would allow no pay at all to the person appointed by the Governor. And the like may happen to Capt. Sutherland" *etc.* Signed, Robt. Johnson. 1 p. [C.O. 5, 388. f. 28.]

Aug. 5.
Whitehall.

369. Council of Trade and Plantations to the Duke of Newcastle. *Enclose following in reply to 23rd June. Continue :* We design'd to have annex'd copies of all papers in our Office relating to grievancees in the Spanish trade or contraventions of Treaties, to our detriment, taking notice from whom the said papers came, that the Commissaries may if needfull correspond with them for further information. But as these papers are very numerous and will require much time to be copyed we did not think proper to detain the said Instructions longer for them, but shall transmit them to the said Commissioners as soon as may be *etc.* But in the mean time we send your Grace copies of several reports formerly made by this Board relating to H.M. right to the Bahama Islands, to the River Alatomaha, and to the title which the British subjects have to cut logwood in the Bay of Campeachy; as also a report in answer to the Guipuscoans pretensions to fish at Newfoundland, which we presume may be sufficient information for H.M. Commissaries upon these heads *etc.* *Autograph signatures.* 2 pp. *Enclosed,*

369. i. Draft of H.M. Instructions to Benjamin Keene, Arthur Stert and John Goddard appointed Commissaries to treat with those appointed by the King of Spain (under 6th article of Treaty of Seville *etc.*). 18½ pp.

369. ii. Observations *upon preceding*, by the Council of Trade and Plantations. Propose certain alterations, and, in the 4th Instruction instead of the words *limits between Our Province of S. Carolina and the King of Spain's Province of Florida*, propose to insert *the Limits of Our Province of S. Carolina only*, "Because we are far from acknowledging that Florida belongs to the King of Spain; for Florida in its natural extent would take in both the Carolinas. But we know of no settlement the Spaniards have on that coast between Port Royal and the Point of Florida at the entrance of the Gulph of Mexico, except St. Augustin, which is near 100 miles to the Southward of the River Alatomaha," *etc.* 7½ pp.

369. iii. Sir Henry Penrice's report to the Lords Commissioners of the Admiralty as to the extent of the British

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seas (i.e. southward as far as Cape Finisterre. Drs. Commons. 16th June, 1721. *Signed*, H. Penrice. *Copy*. 7 pp. [C.O. 5, 383. Nos. 51, 51 i—iii.]

[Aug. 6].
Arlington
Street

370. List of persons recommended by Governor Burrington for the Council of N. Carolina :—(a) Smith, Chief Justice ; Nathaniel Rice, Secretary ; James Jenoure, Surveyor ; Robert Halton, Edmund Porter, John Baptiste Ashe, James Stallard, Eliezer Allen, Mathew Rowan, Richard Eyans, Cornelius Harnett, John Porter, senior, Esqrs. $\frac{3}{4}$ p. (b) Draft of preceding. $\frac{3}{4}$ p. *The whole endorsed*, Recd., Read 6th Aug., 1730. [C.O. 5, 293. ff. 17, 18, 19v.]

371. Lord Carteret to the Council of Trade and Plantations. *Reply to 4th. Concludes* :—As I never desired to part with any of my said right and interest there, otherwise than as set forth in my petition, so I beg leave to referr myself to the said petition, having nothing to offer at present towards setting any determinate value upon my said interest in Carolina, which I apprehend to be very considerable and capable of such improvements as are likely to make it as valuable an estate to my family, as any subject has in America. *Signed*, Carteret. *Endorsed*, Recd., Read 6th Aug., 1730. $1\frac{1}{2}$ pp. [C.O. 5, 361. ff. 148, 148v., 149v.]

Aug. 6. **372.** Memorial of loss and damage (£600) sustained by David Paynter, of Dale, Pembroke, owner of the ship *Martha* and her cargo, bound from Cork to Jamaica with provisions etc. taken by a Spanish *guarda costa*, 25th July, 1719, off Jamaica, and condemned at St. Domingo contrary to the Peace. With testimonials etc. 5 pp. [C.O. 388, 90. ff. 171–172, 173, 174, 174v., 175v.]

Aug. 6. **373.** Memorial of loss and damage (£800 sterl.) sustained by Thomas Jenner & Co. of New England by the capture of the sloop *Medford* by a Spanish sloop, 4th Aug. 1729, in her passage from Jamaica to Boston. Deposition etc. 4 pp. [C.O. 388, 91. Nos. 21, 21 i, ii.]

Aug. 6. **374.** Memorial of loss and damage (£1582 1s. 3d.) sustained by Samuel and John Storke by the seizure of the ship *Honest Bess*, at Alicant, Nov. 1718, laden with fish from New England. Deposition, *signed*, Sam. Storke. *Endorsed*, Recd. 14th Nov., 1730. *Copy*. $1\frac{1}{2}$ pp. *Enclosed*,
374. i. Paper relating to preceding. *Copy*. 2 pp. [C.O. 388, 91. Nos. 8, 8 i.]

Aug. 6. **375.** Memorial of loss and damage sustained by Thomas Jenner, Daniel Oliver and Thomas Moussell of Boston, N.E.,

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owners of the brigantine *Prudent Hannah*, and part of cargo, seized by the Spaniards within two leagues of Cape Charles, Virginia, 5th June, 1724, laden with rum, molasses, hops and dry goods from Boston for Virginia. The Spanish vessel was flying British colours. The brigantine herself was worth £500. Part of the cargo belonged to Andrew Mead, Theophilus Pugh and John Bordland of Virginia. Deposition by Thomas Moussell, master, and Andrew Steward, cabin boy. Williamsburgh, 11th June, 1724. *Certified by*, Samuel Storke. *Endorsed as preceding*. 3 pp. [C.O. 388, 91. Nos. 9, 9 i, ii.]

Aug. 6. **376.** Memorial of loss and damage (£78 1s. 5d.) sustained by Charles Chambers, of Boston, for goods consigned to him, on board the *Ann* (v. Aug. 7th). Deposition, *signed*, Saml. Storke. *Endorsed as preceding*. Copy. 1 p. *Enclosed*,

376. i, ii. Bill of lading and invoice of above goods. 2½ pp. [C.O. 388, 91. Nos. 12, 12 i, ii.]

Aug. 6. **377.** Memorial of loss and damage (£10 18s. 1d.) sustained by Samuel Storke and John Williams of London merchants, owners of goods on board the *Ann* (v. Aug. 7th), consigned to John Osborne & Co. at Boston. Deposition, *signed*, Sam. Storke. *Endorsed as preceding*. Copy. 1 p. *Enclosed*,

377. i. Invoice of above goods. 1 p. [C.O. 388, 91. Nos. 13, 13 i.]

Aug. 6. **378.** Memorial of loss and damage (£128 7s. 5d.) sustained by Samuel Storke for goods consigned by him to John Osborne & Co., Boston, in the *Ann* (v. Aug. 7th). Deposition, *signed and endorsed as preceding*. Copy. 1 p. *Enclosed*,

378. i., ii. Invoice and bill of lading of above goods. 2 pp. [C.O. 388, 91. Nos. 14, 14 i, ii.]

Aug. 6. **379.** Memorial of loss and damage (£59 19s. 10d.) sustained by Samuel Geerish, of Boston, for goods consigned to him on board the *Ann* (v. Aug. 7th). Deposition, *signed and endorsed as preceding*. 1 p. *Enclosed*,

379. i., ii. Bill of lading and invoice of above goods. 2 pp. [C.O. 388, 91. Nos. 15, 15 i, ii.]

Aug. 6. **380.** Memorial of loss and damage (£182 18s. 6d.) sustained by Timothy Prout of Boston for goods consigned to him in the ship *Ann* (v. Aug. 7th). Deposition, *signed and endorsed as preceding*. 1 p. *Enclosed*,

380. i., ii. Bill of lading and invoice of above goods. 2 pp. [C.O. 388, 91. Nos. 16, 16 i, ii.]

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381. Memorial of loss and damage (6*l.* 7*s.* 8*d.*) sustained by Nathaniel Cunningham of Boston, for goods consigned to him in the *Ann* (v. Aug. 7th). Deposition, *signed and endorsed as preceding*. 1 *p.* *Enclosed*,

381. i., ii. Bill of lading and invoice of above goods. 2 *pp.*
[C.O. 388, 91. Nos. 17, 17 i, ii.]

Aug. 7.

382. Memorial of loss and damage (103*l.* 5*s.* 2*d.*) sustained by Robert Hackshaw, London, merchant, for goods shipped from London and consigned to Jonathan Belcher, Boston, on board the *Ann*, Thomas Jenkins master, seized by two Spanish men of war in the English Channel, May, 1727. Deposition, *signed*, Robt. Hackshaw. *Endorsed*, Recd. 14th Aug. 1730. *Copy*. 1½ *pp.* *Enclosed*,

382. i., ii. Invoice and bill of lading of goods referred to in preceding. 2 *pp.* [C.O. 388, 91. Nos. 11, 11 i, ii.]

Aug. 8.
London.

383. Governor Burrington to [? *Mr. Delafaye*]. Receiving the inclosed (v Aug. 4th), I waited upon the Lords Commissioners for Trade, and shew'd them my old list of Councillours without any names against Chief Justice, and Secretary. Coll. Bladen filled them up with his own hand before Mr. Pelham and Mr. Brudenell; I hope his Grace the Duke of Newcastle (my noble patron) will not be offended: Mr. Brudenell has promised to inform his Grace how cautious I behaved *etc.* *Signed*, Geo. Burrington. 1 *p.* *Enclosed*,

383. i. *Copy* of No. 366. [C.O. 5, 308. Nos. 8, 9.]

Aug. 11.
Whitehall.

384. Council of Trade and Plantations to the Committee of Privy Council. Report reply received from Lord Carteret. v. Aug. 6th. [C.O. 5, 400. *p.* 383.]

Aug. 11.
Whitehall.

385. Council of Trade and Plantations to the Lords Commissioners of H.M. Treasury. The business of this Office having been very much encreas'd of late by the frequent demands that have been made in Parliament for papers relating to the Trade and Plantations of Great Britain, and it being still likely to be further augmented by the correspondence wch. we are directed by H.M. to hold with His Commissaries appointed to treat with those of Spain concerning the matters referr'd to them by the Treaty of Seville, we shall stand in need of more assistance than the ordinary establishment of our Office will admit of. For we have no Solicitor, tho' such a person is frequently wanted, and our Secrys. are so fully imploy'd by the common business of the Office, that they have not time for the drawing of reports, and therefore we find ourselves under a necessity of desiring that your Lordshps. wou'd empower us to appoint an additional Officer with the title of Solr. and Clerk

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of the Reports. As the person who shall be pitch'd upon for this imployment must be a man of good judgement and abilities, it will be requisite he shou'd have a competent salary, and we wou'd propose to your Lordships that it may be £200 pr. annum payable out of the contingencies of our Office. [*C.O.* 389, 37. pp. 314, 315.]

Aug. 11.
Whitehall.

386. Mr. Wheelock to Mr. Hintze. *Reply to* letter of Aug. 8 (July 29). My Lords Commissioners have been attended by Mr. Lascelles *etc.* The substance of Col. Phillipps and Col. Dunbar's Instructions concerning the terms and incouragement to be given to foreign Protestants and others has been communicated to him *etc.* *Continues*: As to the credit which you desire of 30*l.* their Lordships are surprized at such a request, since you have received by order of the Treasury 120*l.* which was what your Father proposed for the expence of himself and two other Palatines to assist him at the rate of 20*s.* a day for four months the time wherein he computed the service you are now employed about would be performed. Your letter of 26th imports that the informing your Agent that the instructions are genuine would compleat the affair *etc.* [*C.O.* 218, 2. pp. 218, 219.]

Aug. 11.

387. Memorial of loss and damage (452*l.* 10*s.* 10*d.*) sustained by Thomas Palmer of Boston, N.E., owner of goods shipped in the *Anne* (v. 16th July). With invoices, clearance *etc.* 5 pp. [*C.O.* 388, 90. ff. 176–178, 179, 180v.]

Aug. 12.
Treasury
Chambers.

388. Mr. Scrope to the Council of Trade and Plantations. *Reply to* 11th inst. My Lords Commissioners consent to your appointing an additional officer under you with the title of Solicitor and Clerk of the Reports for so long time as you shall want the assistance of such an officer, and that he be allowed 200*l.* pr. annum out of the contingencies of your office *etc.* *Signed*, J. Scrope. *Enclosed*, Recd. 14th, Read 18th Aug., 1730. *Addressed*. $\frac{3}{4}$ p. [*C.O.* 388, 79. No. 65.]

Aug. 13.
Whitehall.

389. Council of Trade and Plantations to the Committee of the Privy Council. Pursuant to Order of 4th July, submit draughts of Additional Instructions, and also for the Governors of all the Colonies mentioned in the Act for *giving further encouragement for the importation of Naval Stores* (Mass. Bay, N. Hampshire, Nova Scotia, New York, New Jersey, Connecticut and Rhode Island) and also for Col. Dunbar, relating to H.M. share of forfeitures incurred for destroying H.M. woods *etc.* *Mem.*: The instructions were prepared by the copy annexed to the Order of the Committee. v. 4th July. [*C.O.* 324, 11. pp. 236–340.]

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Aug. 13.
Antego.

390. Lt. General Mathew to the Duke of Newcastle. Your Grace's commands of 22nd Jan. last were not delivered to me till late in April, when I immediately publish'd throughout this Government H.M. Order of the same date for the restitution of prizes to the Spaniards, and I waited expecting such as pretended any injurys from the Spaniards, and which from the King of Spain's cedula they might hope for a reparation of, would have made some application to me, and so have given me an occasion of obeying H.M. orders, by sending your Grace an account of what I should do on their behalf herein, but no such application having been made to me, I have hitherto waited in vain. There came a Gentleman out of England commissioned by some merchants at home, who had some such claims to make, but he never communicated anything of it to me or seemed to be willing I should join or assist him by my letter or otherwise in making his claims. He applyed himself to Capt. Barneley Commander of H.M.S. on this station, who carry'd him directly down to Puerto Rico, and thence to St. Domingo, and there at his own request, left him. Capt. Barneley is now return'd, and tells me the Governour of Puerto Rico would show no manner of regard to the copy of the King of Spain's cedula that was shew'd to him, nor suffer his officer to continue on shore, or get any the least refreshments, but declar'd he should continue cruizing on the English, till he had orders directly from his King. At Sta. Domingo he was us'd with a great deal of civility. But the Governour would direct no restitution to be made, waiting orders for that purpose. I have since been honour'd with your Grace's orders of 10th March, with the South Sea Co.'s memorial *etc.* I call'd upon Mr. Dunbar (who made the seizure) immediately upon receipt of it, for his account of that matter *etc.* I find no person here empower'd to receive that restitution [*of the effects of the Sta. Reta*], if it were to be made, which gives me still time to apply to your Grace for further orders, and as that seizure was made above a year before 11th June, 1728, I am humbly of opinion, that 'tis not a damage for which reparation is to be made on the 5th Article of the Treaty of Seville. And as Mr. Dunbar does not alledge he at first made this seizure for any contraband or illegal trade, but as supposing a warr then waging between the two Nations, I humbly submit to your Grace whether this restitution (if it be made at all) is not to be first discussed and decided, on the sixth and two separate articles of that treaty, by the Commissarys appointed to assemble at the Court of Spain. But, my Lord, Mr. Dunbar since he made that seizure, as supposing a warr between the two Nations, has found out evidence whercon to charge these Spaniards with contraband trade in this island, and he thinks them condemnable on this evidence, and the seizure a just one. But as this discovery is made since their departure and sale of the goods, he cannot now bring this matter to a judicial tryal.

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And here the Spaniards have but little room to complain, where but 7000 pieces of $\frac{8}{16}$ are seizd and lost to them out of 60,000, the rest of which they carry'd off. But by this contraband trade (had they been tryd) he thinks they would have been lost to them. Tho' Sir Philip Yorke's opinion says not so, upon the case as then stated to him, which was not so full. And therefore I pray leave to lay before your Grace, at Mr. Dunbarr's request, the answer he has given me on this matter, and with it the cypys of Sir Phillip Yorke's, Doctor Henchmans, H.M. Attorney General's here and one of our most eminent Counsell's opinions, whereon he endeavours chiefly to justify his proceedings in that seizure, for any imputation of having been too forward or too severe in that discharge of his duty. And I shall send, at his request, the depositions, taken since, to prove the contraband trade, to be laid before your Grace. I have since received the duplicate of your Grace's orders hereon, and at each time that your Grace's came to my hand, I receiv'd a letter therewith from Messrs. Collitt and Perrie, Factors for the South Sea Company on the coast of Carraccas, pressing me to see this restitution immediately made, but referr me to what they shall farther write me from Carraccas. I therefore do not expect to know who will appear to demand this restitution, till after Mr. Perrie get's from London thither. But I find, by his letter, it has been suggested that this seizure would prevent a restitution of the South Sea Company's effects occasion'd hereby, and that the seizing the English sloops at Sta. Cruz, were reprisalia for this seizure at Antigua. But, my Lord, the seizure at Antigua was made the 2nd March, 172 $\frac{6}{7}$, and the sloops were taken at Sta. Cruz the February before, and the taking the sloops at Sta. Cruz on the contrary occasion'd the seizure at Antigua, and I hope my informations are well grounded and true, that Mr. Collitt at Carraccas (Mr. Perrie's Joint Factor) has had a full restitution already made him of his, or the Company's effects. He has been at least long since return'd hence thither, and is resettled there in as full enjoyment of his trade as formerly. Mr. Byng's demand of this seizure (even now) from Mr. Dunbar, as a right of the Admiralty, make's me also pray your Grace's farther orderes hereon. *Signed*, William Mathew. *Endorsed*, R. Nov. 11th. 5 pp. *Enclosed*,

390. i. Sir Phillip Yorke's opinion on the case of the Santa Reta. Aug. 26, 1727. *Signed*, P. Yorke. *Copy*. 2 $\frac{1}{2}$ pp.

390. ii. Opinion of Dr. Henchman on same. *Signed*, Hum. Henchman. 15th July, 1727. 2 $\frac{3}{4}$ pp.

390. iii. Opinion of Attorney General of the Leeward Islands on same. Antigua, 4th May, 1727. *Signed*, Ashton Warner. 1 $\frac{3}{4}$ pp.

390. iv. Opinion of Mr. Freeman on same. *Signed*, Tho. Freeman. 2 $\frac{3}{4}$ pp.

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390. v. Mr. Dunbar to Lt. General Mathew. Antigua, Aug. 3, 1730. Encloses above opinions which he obtained upon his seizure of effects out of the Spanish ship *Sta. Reta*, which was made 19 days after the siege of Gibraltar was actually begun by them *etc.* 2 pp. [C.O. 152, 43. ff. 99, 100, 101, 102, 103, 104v.-106, 107-108, 109, 109v., 111-12, 113, 113v.]

Aug. 13.
Whitehall.

391. Council of Trade and Plantations to the Duke of Newcastle. Enclose following to be laid before the King. *Annexed*,

391. i. *Same* to the King. *Enclose* Instructions for Governor Burrington *etc.*, "which Instructions we have made agreeable to those given to Yor. Majesties other Governors, in America, and more particularly to those lately prepared for Colo. Johnson, Your Majesty's Governor of South Carolina, so far as they are applicable to the circumstances of this Province, taking notice in this report, of such alterations as have been made therein. In the 1st Article, we have inserted the names of twelve persons, who have been recommended to us as fitly qualified to serve Your Majesty in the Council of this Province, and have added to them, the Surveyor General of Your Majesty's Customs in the South part of America, for the time being; Your Majesty by your Order in Council of ye 28th of March 1729, haveing been pleased to approve of a proposal made by this Board for appointing him a Member of every Council in those Governmts. within his district, which ye Board conceiv'd to be for Your Majesty's service. We have inserted the 19th Article to ye same purpose as that in Colo. Johnson's Instructions, for remitting Yr. Majesties' share of ye arrears of quit rent; and as they are for ye future to be pd. in Proclamation money, we take leave humbly to propose, that all salaries and fees payable in the several offices there, be likewise paid in Proclamation mony; and we have added some words at ye end of this Article, to yt. purpose. We have inserted ye 41st Article, directing the Governor to examine into several complaints of a very high nature made against Sir Rd. Everard, late Deputy Governor of this Province, by ye Council, as likewise into ye complaints made by ye sd. Sr. Rd. Everard, agt. ye Council and others, and to report his proceedings thereupon. We have added ye following words, to ye 42nd Instruction, vizt. *You are likewise to enquire, whether any grants of land have been made in North Carolina, and to whom, without authority from us, since we purchas'd the interest of*

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seven of ye Proprietors of that Province ; which was on ye 25th day of July 1729, that we may give such orders, therein as shall be thought convenient for our service ; being inform'd that Sr. Rd. Everard, Deputy Governor for ye late Lords Proprietors in North Carolina, hath taken upon him to make sever'l large grants of land in that Province, since Your Majty. purchas'd seven eighth parts thereof. Att ye end of ye 59th Instruction, we have added ye words ; unless by ye laws of ye Province there are other fees, for ye like services already establish'd : having reason to beleive there may be fees already settled there by law. All the other articles in these Instructions, are ye same with those proposed by this Board for Colo. Johnson your Majesty's Governor of South Carolina.

391. ii. Draft of Instructions referred to in preceding. [C.O. 5, 323, ff. 16-49.]

Aug. 14. **392.** Memorial of loss and damage (179*l.* 9*s.* 8*d.*) sustained by Messrs. Cord Wing, Thomas Debuke and Isaac Clark of Boston, N.E., owners of the *William and Cord*, bound from Boston to Antigua, with staves, fish, horses, cattle, *etc.*, taken 22nd Sept., 1727, by a Spanish privateer off Cape Cod and sold at sea. With invoices, affidavits *etc.* 18 pp. [C.O. 388, 90, ff. 121-133v.]

Aug. 14. **393.** Memorial of loss and damage (56*l.* 11*s.* sterl.) sustained by William Clark of Boston by loss of goods consigned to him by Francis Wilks of London, merchant, on board the *Anne* (v. 6th Aug.). Deposition, signed, Fra. Wilks. Endorsed, Recd. 2nd Oct., 1730. 1½ pp. Enclosed,
393. i., ii. Invoice and bill of lading of above. 2 pp. [C.O. 388, 91. Nos. 29, 29 i, ii.]

14 Aug. **394.** Memorial of loss and damage (20*l.* 17*s.* 4*d.* sterl.) sustained by Capt. William Hinder of Boston by loss of goods consigned to him by Francis Wilks on board the *Anne* (v. 6th Aug.). Deposition, signed, Fra. Wilks. Endorsed, Recd. 2nd Oct., 1730. 1½ pp. Enclosed,
394. i., ii. Invoice and bill of lading of above. 2 pp. [C.O. 388, 91. Nos. 30, 30 i, ii.]

14 Aug. **395.** Memorial of loss and damage (136*l.* 18*s.* 2*d.*) sustained by Joseph Harris of London, merchant, by loss of goods consigned by him to John Osborne and James Allen of Boston, on board the *Anne* (v. 6th Aug.). Deposition, signed, Joseph Harris. Endorsed, Recd. 2nd Oct., 1730. 1½ pp. Enclosed,
395. i-iv. Invoices and bills of lading of above. 4 pp. [C.O. 388, 91. Nos. 31, 31 i-iv.]

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- Aug. 14. **396.** Memorial of loss and damage (38*l.* 10*s.* 6*d.*) sustained by John Caswall of London, merchant, by the loss of goods consigned by him to Major Paul Mascareen at Boston, in the *Anne* (v. 6th Aug.). Deposition, *signed*, John Caswall. *Endorsed*, Recd. 2nd Oct., 1730. 2 *pp.* *Enclosed*,
 396. i. Invoice of above goods. 1 *p.* [C.O. 388, 91. Nos. 32, 32 i.]

- Aug. 14. **397.** Memorial of loss and damage (1231*l.* 13*s.* sterl.) sustained by Messrs. John Caswall and Charles Eyre of London merchants, and John Howell of Barbados, owners of the *Britannia*, built for them in New England, and carrying a lading of fish from thence to the Streights, she was forced into the service of the King of Spain at Alicante, Feb., 1718. Deposition, *signed*, John Caswall. *Endorsed*, Recd. 2nd Oct., 1730. 2 *pp.* *Enclosed*,
 397. i-iii. Charter parties relating to said ship. *Spanish.* 8½ *pp.* [C.O. 388, 91. Nos. 4, 4 i.]

- Aug. 14. **398.** Memorial of loss and damage, 274*l.* 11*s.* sterl., sustained by John Caswall, of London merchant and Thomas Wenmoth, owners of the *Kezia*. Built for them in New England and carrying a lading of fish from Boston to the Streights, she was seized at Carthagea and forced into the service of the King of Spain *etc.* Deposition, *signed*, John Caswall. *Endorsed*, Recd. 2nd Oct., 1730. 3 *pp.* *Enclosed*,
 398. i.-xv. Charter parties and receipts *etc.* relating to preceding. *Spanish.* 17 *pp.* [C.O. 388, 91. Nos. 5, 5 i.]

- Aug. 16. **399.** Governor Worsley to the Duke of Newcastle. Mr. Barbados. Maycock, one of H.M. Council is dead, and Mr. Salter another Counsellor, embarked lately for Bristoll, in so bad a state of health, that his life was despaired of *etc.* *Recommends* for vacancies Francis Vaughan and Michael Corner, two gentlemen of the Assembly who have return'd their lists of negro's *etc.* (v. 23rd April), are in good circumstances, and very well affected to H.M. Government. As I have been informed that Mr. Hall, and Mr. Ashley, have made interest by their friends in England, to be of the Council here, I think it my duty to let your Grace know, that Mr. Ashley, tho' Deputy Auditor General has most violently appear'd against the payment of the 2*s.* 6*d.* tax, did not pay the last year, nor give the list of his negro's this year, notwithstanding H.M. Order in Council, and with his utmost power has endeavoured to hinder Mr. Corner from being chosen this year Assemblyman of the parish in which Mr. Ashley lives, because that the former publicly declared he would return the list of the negro's that should be given in to him, and of the

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defaulters, in obedience to the law, and H.M. Order in Council, Mr. Hall has conducted himself much after the same manner *etc.* Signed, Henry Worsley. 2 pp. [C.O. 28, 45. ff. 125, 125v.]

Aug. [16]. **400.** *Same* to the Council of Trade and Plantations. Duplicate of preceding covering letter, *mutatis mutandis.* Signed, Henry Worsley. Endorsed, Recd. 5th, Read 6th Oct., 1730. 2 pp. [C.O. 28, 21. ff. 76, 76v., 77v.]

Aug. 18. **401.** Memorial of loss and damage (1473*l.* 10*s.*) sustained by Thomas Missing and Thomas Blakeley owners, and John Evans and ship's company, of the *Eagle* on a voyage from London to New England and thence with fish to Alicante, seized and taken into the service of the King of Spain at Barcelona, Feb. 13, 1714. With proceedings, invoices *etc.* 29 pp. [C.O. 388, 90. ff. 151, 152, 153-157, 158, 159-167.]

Aug. 19. **402.** Col. Dunbar to Mr. Popple. *Abstract.* Has received letter of 7th May and Instructions of 27th April from Governor Belcher who arrived on 8th inst. As to the Instructions, has given notice in print [*v. encl. iii.*]. Their being many hundred familys waiting the publication of his instructions, if he had acquainted them that they are only to begin at Penobscott and thence to St. Croix, they would be so much discouraged that none of them would stirr. He must broach it to them by degrees. Hopes that upon reading his letters of May and June, the Board will come to some more favourable resolutions relating to the settlements, if for no other reasons but the distance and dangerous navigation to cross the bay of Fundy. *Refers to* map and the difficulty of keeping any correspondence between a new settlement without a boat, and Annapolis which has but three trading sloops between it and Boston. There are times when not one vessel passes between them in 2 or 3 months, and generally 4 or 5 months in the winter. *Continues :* —If a number of familys upon the notice I have given will offer themselves to go down, I will go with them, and do my best endeavours to settle them, the vessels we must hire to carry us will leave us as soon as landed, then we must maintaine our ground or dye, and if we had a sloop to send to Governour Philips he is now at Canso 150 leagues from Penobscott, and if he was at Annapolis, I am much misinformed if he thinks he can spare any of his garrison to assist us on ye other side of the Bay, and I declare for my own part I would rather be enabled to make the Indians a few presents at first and continue them once a year than have troops to reduce them. I had sufficient proof of this when I was but 37 days among them in Oct. and November last, when I entertained them with a civility and friendship they had never seen before, and made them a few

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presents under 40*l.* ster*l.*, out of my own pocket. which by my eagerness to begin a flourishing settlement at Pemaquid, is now a greater sum than I can command, and must therefore go down to Penobscot very poorly provided to pass the winter there; If I call at Fredericks Fort, w*ch.* in obedience to my Lords Commrs. Orders I have now called ye first settlement, with what face must I tell those who have layd out their money there, that they are not to be concerned with me who induced them thither, and with what remorse must I quitt all my expenses there. As for the Fort, tho' but a dry stone wall with strong pallisadoes, I dare not take away the few ship guns and new collours I planted and hoisted there, without orders, and I can purchase no other to carry with me, nor dare I do it since it is declared under another Government. I wish and earnestly beg my Lords would look over their own report of the 14th of May, 1729, they would not be angry with me for calling ye country the Province of Georgia, tho' I do not pretend or think that that report was an authority to me but as I thought the erecting a distinct Govent. was past dispute, and I was willing to prevent the people disperseing *etc.* *He hears* nothing of Mr. Waldo's success in his claims and hopes they will not be confirmed. If they are, he will himself be in no little danger of being mobbed *etc.* In accordance with his Instructions, he will lay out 300,000 acres between Penobscot and St. Croix to be reserved as a nursery for mast trees, but he is assured there are no white pines below St. George's River fitt for large ships *etc.*, but what are in one long vein far up St. John's river, w*ch.* has such falls that altho' that river be much the largest in Nova Scotia, the navigation is not practicable above one hour in each tide. Mr. Waldo no doubt will represent it otherwise *etc.* Has made it his business to be informed of all parts where white pines grow. There are as large in Hudson's River near Albany, and all the way navigable, as anywhere upon the Continent, but their nature is heavy, brittle and knotty *etc.* Upon Connecticut river there are innumerable mast trees the same sort as in New Hampshire and Maine, but there are so many falls between them and navigable water that it is thought impracticable to bring them down. He has given leave to two men to make an experiment next winter, by throwing masts into that river with the bark on. They expect some to be saved. Such will come cheap to the King, because there will be little or no expence of carriage *etc.* He thinks the chief dependance must be about the heads of Piscatua River and Casco *etc.*, "and to my certain knowledge between Kennebeck Pemaquid upon navigable rivers, if the claimants of those lands do not prevent them being layd aside for H.M.; it was there that I proposed to reserve the 100,000 acres when I thought there was to be a province of Georgia, and a distinct Governmt. God knows my aim as to my own advantage was

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but a feather in my hatt, a Brevett Governour without sallary or any perquisites, and since his Majesty and his Ministers have determined otherwise I chearfully submit, and impute it onely to my adverse fortune against which I begin to despair to struggle." *Has had* a letter from Mr. Burchett, but not an answer to what he wrote of the contractor's agent, which greatly discourages him *etc.* *Recapitulates* what he wrote 3rd Feb. *q.v.* *Continues* :—I am very proud of the honour my Lords Commrs. are pleased to doe me in takeing notice of any poor services I may chance to doe. I hope their Lordships will be pleased at my remarks in my letter of the 1st of May last, I am much mistaken if it does not alarm them. I then told you how much the iron tools made here exceed the English. I now send you samples of each wch. perhaps my Lords will order to be shewen to the chief manufacturers, in my opinion it would be worth while to bribe or buy two principal men here under whom all the good tools are made, one of them is a poor man and would easily be persuaded to return to England. Upon the arrival of Mr. Belcher the country have made great rejoyceings, but I hear they are falling off and express a discontent at his lofty carriage towards them, *etc.* Nobody can say how he will succeed in the fixing a sallary. I have applyed to him in obedience to my first instructions for acts to supply the deficiencies in the late Act of Parliament for preservation of the woods, and he has promised to do his endeavour, he shewed me part of his intended speech to the General Assembly of New Hampshire where I beleive he will find the people more complying than in this province. I am just now told that the 4 Members for this towne, who have great influence in the House of Representatives have promised to fix a sallary, but not the summ mentioned by the King, it will be 1500*l.* sterl. per ann., 1000*l.* being too little to support a Governour *etc.* *Continues* :—Since I began this letter great numbers of people inclined to settle to the eastward have been with me, they were informed in towne that I am to begin but at Penobscott and that I can give them no title to ye lands I lay out, but they must depend upon another, and can have no govermt. or authority where I am to fix them but what must be derived from a place at a very great distance, these things have made me despicable in the eyes of everybody, and discourages the undertakeing *etc.* *Begs that* Mr. Philips may be directed to spend part of his time at Penobscot or any other appointed to confirme the titles of lands layd out *etc.* Does not make this proposal for himself. His spirits are so sunk by the usage he has received, and he has suffered so much from the cold he endured last winter in the woods, that he is willing to resign his employment in favour of his brother Jeremiah, now one of his Deputies *etc.*

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Aug. 29th. Three dayes agoe arrived here a ship belonging to this towne from Amsterdam with 230 Pallatines, by their contract bound to Pensilvania, they were much crouded in ye ship which occasiond the death of some and ye want of water brought them in here, the master complained to Mr. Belcher that the passengers forced him in weh. the Govr. told me was an act of piracy, the poor people being frighted wth. threats to be prosecuted accordingly by the master and owner, have been obliged to give up the obligations they had in writing to be put on shore at Philodelphia whither some of their familys and acquaintance had been before them, and where by contract they were to be allowed 3 months time to pay for their passage, and are landed here and exposed to sale like negroes, and are purchaseing by a company of Mr. Waldoes proprietors to be planted where the pine swamps are in Shipseot river to ye eastward of Kennebeck; I begd of Mr. Belcher to see that these poor creatures were not abused, but he is gone to New Hampshire. I would appear for them, but am in the power of the owner of the vessel for part of the provisions I sent to Fredericks Fort last year. God help them! they have a poor chance for justice, for as a considerable merchant who was chosen by a Piscatua man for a referee against one of Boston, lately sayd, that a Piscatua man had no more chance for justice here than an old england man, so partial are these people, even in their carriage and manners. As I have formerly presumed to hint at things that do not lye within my cognizance properly, I now beg leave to acquaint my Lords Commissioners that there are very large ships built and frequently building in this country, many of them from 20 to 40 guns, with open ports, and built more for sailing than burthen, they are all for French and Spaniards, and purchased with French rum and molasses, of weh. there is as general a consumption here all thro' the Continent, as there was of porter and ginn in London a year agoe, if the english Sugar Islands onely were to supply the Continent, it would be advantagious to them, and this would greatly promote the new settlements in Jamaica. If a due registry of all ships is return'd home it will prove what I say of the burthen and number of ships built here, tho' in registrys there are no cautions nor exactness, if the Governours were to have an idea upon these matters, I am persuaded my Lords would be surprized and future inconveniences may be apprehended from them, they sail hence wth. an English or Irish master (a papist) and English mariners, they some times carry the ships to Cape Breton, but mostly to the French and Spanish West Indies with lumber and fish, and then the sailers are turned adrift or debauched into foreign service. It is now full time for me, *etc.*, to give an account of the proceedings upon the tryal of 2002 logs weh. was so strenuously espoused and defended by Dr. Cook *etc.* The Judge browbeat us all, but H.M.

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Advocate and Attorney Genll. pleaded the cause with such success that 2002 shillings New England mony was decreed for the King *etc.* If a larger sum had been decreed the man would have gone to prison, and even this was raised by contribution among the neighbours, so ready are they to assist each other against the King. I herewith send you another appeal agt. a decree wch. I so often mention'd wherein I had so much difficulty to get bail admitted for prosecuting the appeal. You will see that this decree is directly against H.M.'s instruction to me and the opinion of the Attorney and Solicitor Genll. upon the Act of the 8th of K. George the 1st. I humbly hope my Lords Commrs. will be pleased to order this appeal to be prosecuted at home, one or 2 reversals of New England decrees would greatly terrify these people, and I shall be a sufferer and insulted if I do not succeed *etc.* Altho' the Judge of ye Admiralty decrees his own fees at proclamation mony wch. is about 8s. pr. ounce of silver, or double the fees in province bills, the 2002 shillings decreed from Mr. Loyd, which I have receivd is but in Province bills now near 20s. pr. ounce of silver. I asked Mr. Belcher's opinion upon this point, who thinks that all sums mention'd in Acts of Parliament are meant to be sterl. mony, but the judge is of another opinion and obstinate in it. I am told that the Majestrates of this towne refuse to lett the Pallatines be landed here, they are yet upon an island 4 miles from the towne, where quarentine is performed, and are to be put on board the same vessel and sent to Philadelphia, it would be a fine oppertunity to furnish such a number of people to Nova Scotia, if anyone dare answer for the payment of the passage mony which I hear is allowed for such as are intended to Annapolis and Canso. I believe I should have done it, but that for time to come I have made a resolution not to exceed the orders or powers sent me. New claims are dayly made of lands to the eastward of Penobscot. Mr. Winnit, one of the Council of Nova Scotia claims 20 miles square upon the coast by a french grant when in the hands of the french, and he says he knows of more, so yt. there is no likelyhood of an end to these disputes. Herewith I send you a copy of one of ye Indian deeds, and as I sayd before they have the same right to sell all the rest of the lands, but I hope before now the Ministry have come to a resolution upon the claims and settlements. I am very unhappy that I ever mention'd or proposed any thing relateing to them to the Offices, since they have taken a different turn from what I thought was at first resolved upon. If I had not been stopd I should soon have made a surprizeing settlement, and would be the same as a new acquisition to England, and with little or no expence, whereas under my present circumstances and difficultys, without power, mony or friends, it is impossible for me to strive against so much opposition and so many enemys, and yet I will try all I can until I receive

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farther orders either to be impower'd or discharged. I have in obedience to the order you sent me publickly recalled the declaration, I beg pardon for issueing it, it was onely for ye last winter, and whatever complaints Mr. Waldo may have made against me for that, I could send certificates from the Govrs. and all the Majestrates of the country yt. the King's woods did not suffer by it. His agent here instead of expecting to be restrain'd from logging is now building two more saw mills, and tho' there are letters in towne of the beginning of July, I have yet no answer from my Lords of the Admiralty to my several letters relateing to Mr. Waldo and the woods. In Governour Belcher's speech to the Genll. Court in New Hampshire he has taken notice of my application to him about the woods, and I am told they have promised to enact such laws as may be necessary to preserve them.

Sept. 3rd. I do not expect that this Province will follow their example; He is expected this night in towne from New Hampshire, and will give my Lords Commissioners an account of his proceedings there, it might seem impertinent in me to attempt it, but I beg leave to tell you that his demanding and insisting on a fixed sallary has so alarmed the people here, that some have sayd if he does the like to them they will spitt in his face and the mobb doe threaten to pull down the houses of any of the representatives who shall vote for it, his letters whilst Agent in England and his former Speeches in the Assembly and several declarations against a fixed sallary will be now printed, and called Belcher against Belcher, the General Court are to meet the 9th inst., soon after wch. vessels will sail for England. Since I wrote the part of my letter relateing to the iron tools wch. I herewith send you, I have enquired what may be the reason of the difference between these and English, and am told that in England they steel and make a tool at 3 or 4 heats at most, but here never under 11 or 12 heats, and besides the goodness caused by this they make their tools here of double the substance; these wch. I send may be the first that were ever sent to England, and I hope may be of use and service to the manufacturers there. *Sept. 5th.* I have just received a message from the Indians that they will by no means consent to any settlements near Penobscot, and under my circumstances it will be difficult to force them, so that I am perplexed which way to behave upon this occasion. Pray Sir lay this before my Lords Commrs. with my humble duty. *Signed,* David Dunbar. *Endorsed,* Recd. 19th, Read 29th Oct., 1730. *Holograph.* 19 pp. *Enclosed,*

402. i. An Indian Deed for sale of lands near Pemaquid to John Brown, 15th July, 1625. Captain John Somerset and Unnougait Indian Sagamores they being the proper heirs to all thee lands on both sides of Maseongus River have bargned and sold to John Brown of New Harbour

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this certain tract or parcell of lands as followeth that is to say beginning at Pemaquid Falls and so runing a direct course to the head of New Harbour from thence to the south end of Musconcus Island takin in the Island so running five in and twenty miles into the country north and by east and thence eight miles north west and by west and then turning and runing south and by west to Pemaquid *etc.*, in and for consideration of fifty skins to us in hand payed to our full satisfaction *etc.* *Signed*, Capt. John Somerset his mark and seal, Unnougait, his mark and a seal. Signed sealed in the presence of us Mathew Newman, William Cox. *Endorsed*, Recd. 19th Oct., 1730. 1 p.

402. ii. Proceedings of Court of Vice-Admiralty, Portsmouth, New Hampshire, April 21, 1729—April 10, 1730, in the case of Arthur Slade *v.* Jeremiah Foolsom. The Depty. Judge, Geo. Jaffrey finds that the prosecution, being for felling white pines *within* the township of Exeter, which is not contrary to the Act of 8th K. George, fails. Appeal granted to Slade, on giving security within 30 days to prosecute. The time for prosecuting the appeal is protracted till 27th July, when Slade, with Col. Dunbar and Jeremiah Dunbar as sureties, gave bond for prosecution, and the appeal was granted. *Endorsed as preceding. Copy. Attested*, Geo. Walton, Depty. Registr. 12½ pp.

402. iii. The *Boston Gazette*, Monday Aug. 10 to Aug. 17, 1730. Numb. 558. In "A letter from Col. Dunbar, relating to the New settlements to the Eastward," he announces his Instructions to lay out for every 40 families 12 miles square, and that, if 40 families are ready to go to the eastward, and carry their own provisions, he will go with them and lay out lands for them immediately *etc.* but desires that none come thither to depend upon him for provisions or employment, as too many did last winter, *etc.* Boston, Aug. 15, 1730. *Signed*, David Dunbar. *Same endorsement. Printed. Copy. 2 pp.* [C.O. 5, 871. ff. 197–208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219–220v., 221v.]

- [Aug. 20]. **403.** Memorandum of a form of agreement prepared by Sir Wm. Keith to be made with the Chiefs of the Cherokee Indians. With note, this paper is missing. *Endorsed*, Recd. Read 20th Aug., 1730. ½ p. [C.O. 5, 361. f. 161v.]

Aug. 20.
Whitehall.

- 404.** Council of Trade and Plantations to the Duke of Newcastle. In reply to 23rd June, will prepare a general state of the British Colonies as soon as may be *etc.* *Continue* :—In

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the meantime a particular incident having fallen in our way, which if rightly conducted may very much contribute to fortify the British interest in Carolina, we thought it incumbent upon us to acquaint your Grace, that we conceive it may be for H.M. service that some treaty or agreement should be made by H.M. Order with the Indian Chiefs of the Cherikee Nations before their departure. Your Grace is well apprized of what consequence the good understanding between H.M. subjects of New York and the Five Indian Nations in their neighbourhood, has been of to the British interest in those parts. It may truly be said that they are our frontier guards there, always ready to defend our out-settlements and to make war upon any other Nation whenever we require them to do so. We conceive it is at present in our power to put the Cherikees upon the same footing, and certainly it would be of great advantage to do so because they are a warlike people and can bring 3000 fighting men upon occasion into the field. There are many reasons might be offered for doing this, the opportunity and the present disposition of the people who seem to expect it from us; For to return home again after so solemn an embassy without doing anything of this sort, far from encreasing, would weaken the friendship at present subsisting between H.M. subjects and these people. To which may be added that in such a treaty, words may easily be inserted acknowledging their dependence upon the Crown of Great Britain, which agreement remaining upon record in our Office, would upon future disputes with any European Nation, greatly strengthen our title in those parts, even to all the lands which these people now possess. But however beneficial this work may be, we did not think it proper to undertake it without H.M. approbation, and therefore we desire your Grace would be pleased without loss of time to obtain H.M. Orders for that purpose, for the Indian Chiefs will very shortly return again to their own country, and if so fair an opportunity should be lost, we may not perhaps have another. As this treaty is to be only with savages, we presume H.M. Orders signified to us by your Grace in a letter, may be a sufficient power for us to act by upon this occasion. *Autograph signatures.* 3 pp. [C.O. 5, 4. No. 42; and 5, 400. pp. 384-386.]

Aug. 24.
Boston.

405. Governor Belcher to the Duke of Newcastle. *Refers to letter of June 29. Continues:—*I landed here the 10th currt. and publisht. H.M. Commission *etc.* I have been received with all the respect and honour the people cou'd possibly pay to the King's Commission. The General Assembly of this Province stands prorogu'd to the 9th of next month, so I set out this day for the Province of N. Hampshire to publish H.M. Commission there and design to return hither in ten dayes to meet the Assembly when I shall carefully look over all my instructions

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from the King to which I am inviolably attacht and shall communicate to the Assembly what may be necessary in support of H.M. honour, the interest of Great Britain, and the good of H.M. Provinces under my care, and these things I shall pursue with all the dexterity I am master off, and after I have seen the Assemblies of each Province I shall do myself the honour of writing your Grace a particular account of all my proceedings *etc.* I have issu'd a Proclamation with the particulars of the peace with Spain *etc.* *Copy enclosed. Signed, J. Belcher. Endorsed, R. Oct. 19th. 1½ pp. Enclosed,*

405. i. Proclamation by Governor Belcher of the Peace with Spain and for the restitution of prizes *as Jan. 22nd. Boston. 18th Aug., 1730. Signed, J. Belcher. Printed, by B. Green. 1 p. [C.O. 5, 898. Nos. 75, 75 i.]*

Aug. 24.
Boston.

406. Governor Belcher to the Council of Trade and Plantations. *Repeats gist of preceding. Signed, J. Belcher. Endorsed, Recd. 19th, Read 20th Oct., 1730. 1 p. [C.O. 5, 871. ff. 163, 164v.]*

Aug. 26.

407. T. Lowndes to the Council of Trade and Plantations. Encloses specimens of sesamum oil and seed *as Aug. 31st, adding, It rejoyces in the pine barren land (wch. is generally a light sandy soil) and an acre produces about 20 bushels of about 52 lb. each, and 52 lb. yield 11 quarts of oyl., etc.* This seed will make the pine barren land of equal value with the rice land, *etc.* *Signed, Tho. Lowndes. Endorsed, Recd., Read 26th Aug., 1730. Holograph. 2 pp. [C.O. 5, 361. ff. 162, 162v., 163v.]*

Aug. 26.
Whitehall.

408. Council of Trade and Plantations to the Duke of Newcastle. In obedience to H.M. commands, 6th March, having some time since transmitted to your Grace our representation with a state of H.M. title to Sta. Lucia, we now inclose our report upon H.M. title to the island of St. Vincents, which we hope is founded on such authentick testimonies and vouchers, that the French will have no room for further disputes upon this subject. *Autograph signatures. Endorsed, R. Sepr. 16. Copy sent to E. Waldegrave, Nov. 30th, 1730. 1 p. Enclosed,*

408. i. *Same to the King. Refer to representation of July 9th etc. Continue:—It appears by Purchas's Pilgrims that this island was discovered soon after that of Sta. Lucia, vizt. in 1606, by an English ship fitted out by Capt. Charles Leigh and his brother Sir Olave Leigh, for their plantation at Guiana, which was many years before the French had any settlements in those parts. (Ap. i). Sir Thomas Warner likewise took*

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possession of this island in due form for King James I (*Ap. ii*), as appears by the Lord Carlisle's Commission to the said Sir Thomas, and tho' we cannot precisely fix the day when this was done, it must have been before the year 1625, for King James dyed the 27th of March in that year, and he had particularly approv'd of Sr. Thomas Warner's services before his death, in consideration whereof H.M. constituted him Keeper of that and all the other Charribbee Islands. In 1627 all the Charribbee Islands and St. Vincents by name, were granted by King Charles I to the Earl of Carlisle in consideration of his having discovered and settled them at wch. time in all probability this island was unknown to the French for the reasons mention'd in our representation on Sta. Lucia (*9th July*), vizt. because their first patents and commissions for settlements in those parts wch. bear date about the same time with Lord Carlisle's grant of all the Charribbee Islands, only name St. Christophers and Barbados. There are likewise many other proofs in that Representation, so plainly and obviously applicable, to the support of your Majesty's title to this island, that we shall not trouble your Majesty with a very particular repetition of them. St. Vincents, for instance, as well as Sta. Lucia, was expressly contain'd in the grant (*Ap. iii*) which King Charles II made of one moiety of the revenue of the Charribbee Islands to Francis Lord Willoughby in 1662, whom the year after he appointed his Governor of those Islands. And in 1666 William Lord Willoughby was impowered (*Ap. iv*) to depute Governors for the other islands contain'd in his Commission, of which St. Vincents was one, and he was instructed (*Ap. v*) to assert H.M. right to those islands with all his skill, and even by force, if the same should be necessary. He was likewise ordered (*Ap. vi*) to treat with and make an agreement with the Indians of St. Vincents and Dominico to prevent all acts of hostility between them and the subjects of England settled on those islands, and if the said Indians would not be reduced by reason, to subdue them by force (*Ap. vii*). But in March, 1667 he concluded a peace with them, and they then acknowledged themselves subjects to the King of England, by which Act the dominion of the Crown of Great Britain over those Islands acquired a new confirmation. He was also particularly directed (*Ap. viii*) to inquire whether any of the islands named in his Commission, were in possession of the French King's subjects, and if so, to dispossess them, all which

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discoveries, settlements, grants, agreements, commissions and instructions were previous to the Treaty of Breda, by the 12th Article of which Treaty, each of the contracting Powers was to hold and possess whatever they were possessed of respectively before 1st Jan., 1665. In 1669 Lord William Willoughby's Commission to be Governor of these islands was renewed (*Ap.* ix). In April 1672 the Government of the Charribbee islands was divided (*Ap.* x), and King Charles II appointed Lord Willoughby Governor of Barbados, Sta. Lucia, St. Vincents, Dominico and the rest of the Charribbee islands lying to windward of Guardeloupe only. In the year following Lord Willoughby dying, Sir Jonathan Atkins was appointed Governor of the same islands (*Ap.* xi). In 1680 Sir Richard Dutton had the same Commission (*Ap.* xii). In 1685 Sir Richard Dutton having orders to come to England, Collo. Stede succeeded him as Lieut. Governor and Commander in Chief of Barbados, Sta. Lucia, St. Vincents and Dominico *etc.* (*Ap.* xiii). It was this Colo. Stede who sent Capt. Temple to dispossess all foreigners from Sta. Lucia, and at the same time ordered him (*Ap.* xiv) to visit St. Vincents also upon the like errand. The Captain accordingly went thither, asserted the British right, and set up the King's arms there in August 1686, and it appears by the books in our Office (*Ap.* xv) that the English were in possession of this island in Nov. 1686, when the Treaty of Neutrality was signed, by the 4th Article of which Treaty, each of the contracting Powers were to hold what they then possessed in America respectively. In March following Col. Stede published this Treaty in St. Vincents, as a dependance on his Government and again set up the King's arms there. From 1674 the Governors of Barbados were instructed (*Ap.* xvi) not to encourage any planting except in Barbados *etc.*, as July 9th. *Continue*: For which reason the English were discouraged from making regular settlements there, and when the British ships have retired from these islands (*Ap.* xvii) the French have sometimes taken that opportunity to cut timber, hunt and fish in these islands, which gave occasion to so many instructions for expelling them; and they were constantly driven off the sd. islands whenever our ships returned thither. It plainly appears by the return of the Commissioners appointed in 1688 (*Ap.* xviii), to examine into King James the 2nd's right to those islands, as well as by Col. Stede's letter which accompany'd that return, that the French pretentions, such as they are, to any

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of them, must have taken their rise from these stolen intervals, and from the weakness or neglect of the English Governors during the time of the Rebellion. It is evident from M. Senigelay's letter (*Ap.* xix) (19th Nov., 1686), that the French took great offence at Capt. Temple's proceedings in Sta. Lucia, but they made no complaint of anything he had done at St. Vincents, from whence we may reasonably conclude, that they did not then pretend any title to this island: and that we then understood they had none, is plain, for in March, 1686, Col. Stede published the Treaty of Neutrality in St. Vincents, as dependent on his Government, and again set up the King's arms there, which is likewise a proof that we conceived the said Treaty to be a decisive confirmation of our right to that island. But as we have not yet been inform'd upon what grounds the French pretend any right to St. Vincents, we are at a loss to find out when their claim can arise. True it is that M. Tallard in his Memorial (*Ap.* xx) to King William, dated in Jan. $\frac{1699}{1700}$ seems to affirm that this island and Sta. Lucia by some former Treaty were allotted for a retreat to the Caribbean savages, which savages having then put themselves under the French King's protection, he demanded on their behalf, that the English should not settle those islands *etc.* We know of no such Treaty between the two Crowns, and if there ever was any agreement of that sort between the Governors of Barbados and Martinico, during the time of the Rebellion, it would not bind the Crown of England, but such an agreement avow'd and insisted on by their own Ministers so many years after, will surely be a strong proof against the French, that they had no pretensions to this Island in their own right at the time when they so insisted; and that they could have none in right of the Indians is plain; For the said Indians had long before declared themselves subjects to the King of Great Britain, vizt., in March, 166 $\frac{1}{2}$ (*Ap.* vii) when the Lord Wm. Willoughby concluded a peace with them. As it is natural for the authors of every Nation to extend the territories of their own Prince as far as they can, it is not to be doubted, that if Père du Tertre or Père Labbat had conceived, the Christian King had any right to this island, they would have given the world very ample relations of his title; But the first of these writers is intirely silent upon this subject, tho' the last volume of his History of the Antilles was printed in 1671, and Père Labbat in his voyages printed at Paris in 1722 declares, that passing

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by this island the 24th Sept., 1700, he found the same inhabited by the savages and fugitive negroes from Barbados only, he says indeed, there was one French Missionary there, but he does not pretend to assert that the French had any manner of title to it. *Quote* Labbat, vol. II. p. 148. *Continues* :—After so fair a confession from so modern an Author, we hope the French will no longer pretend any title to the Island of St. Vincents, whereunto your Majesty has so clear a right, founded on discovery, possession, submission of the Natives, kept up by frequent claim, and confirm'd by the Treaties of Breda and Neutrality. *Autograph signatures.* 12 pp. *Enclosed*,

408. i. Appendix. (i) Purchas' *Pilgrims*, iv, 1265.

408. ii, iii. v. July, 9, x and xv.

408. iv. Extract of Lord William Willoughby's Commission, 1667.

408. v, vi. Clauses from Lord W. Willoughby's Instructions.

408. vii. Extract of letter from same, July 9, 1668. v. C.S.P.

408. viii. v. July 9, *Nos.* xvi, xix.

408. ix, xi, xii, xiii. Entered in the books of the Board of Trade.

408. x. Extract of Lord W. Willoughby's Commission, 1672.

408. xiv, xv. Extract of letter from Governor Stede, 18th Sept., 1686; and 19th March, 1687. v. C.S.P. *under dates.*

408. xvi. v. July 9. *No.* xxxvi.

408. xvii. Extract of letter from Governor Stede, 19th Sept., 1687, and 10th March, 1688. v. C.S.P.

408. xviii–xx. v. July 9, *Nos.* xi, xxii, xxxiv. *Endorsed*, *Copy* sent to Lord Waldegrave, 30th Nov., 1730. 11 pp. [*C.O.* 260, 3. *Nos.* 2, 2 i, ii; and (*without enclosures*) 29, 15. pp. 178–196.]

Aug. 31.
Windsor
Castle.

409. Duke of Newcastle to the Council of Trade and Plantations. H.M. is pleased to approve [*of your letter of 20th inst.*], and to direct, that you should make such agreement, and in such manner, with the Indian chiefs [*of the Cherikee Nations*], as you shall think for H.M. service. *Signed*, Holles Newcastle. *Endorsed*, Recd., Read 1st Sept., 1730. 1 p. [*C.O.* 5, 361. ff. 164, 165v.]

Aug. 31.

410. T. Lowndes to [*? Mr. Delafaye*]. A planter in S. Carolina sent me, some time ago a parcel of seed, (of *sesamum*) of which he said that province could produce any quantity. By experiment I found 21 lb. of seed produced near 9 lb. of good oyl *etc.* *Encloses specimens.* The Lords of the Treasury have ordered it to the Royal Society to examine my experiment *etc.* *Describes* the plant *etc.* The oyl may be of great use in

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our woolen manufacture, and is for many purposes even preferrable to olive oyl; of which commodity about 5000 tons are entred annually at the Port of London *etc.* *Concludes* :—Your Honour knows what good effect the making some pott-ash in Our Plantations has had in the last contract with the present Czarina, for that commodity. *Signed*, Tho. Lowndes. 3 pp. [*C.O.* 5, 383. *No.* 53.]

Sept. 2.
Canso.

411. Governor Philipps to the Council of Trade and Plantations. I have done myselfe the honour by every opportunity since my return to this Government of acquainting your Lordships with the state and posture of affairs therein *etc.* By my last dated 3rd Jan. your Lordships may have perceiv'd that I had apply'd myself particularly to bringing our French inhabitants to submitt themselves to the Crown of Great Brittain, by swearing allegiance to H.M., a work which became dayly more necessary in regard to the great increase of those people who are at this day a formidable body, and like Noah's progeny spreading themselves over the face of the Province. Your Lordships are not unacquainted that for twenty years past they have continued stubborn and refractory upon all summons of the kind, but haveing essay'd the difference of Government in my absence they signify'd their readiness to comply with what I shou'd require of them at my return, for which reason I judg'd no time so proper to sett about it as at my first arrivall among them, *etc.* *Refers to encl.* Jan. 3. *Continues* :—I acquainted your Lordships at the same time of my purpose to proceed up the Bay of Fundy (as soon as the the winter broke up) where the gross of the inhabitants are settled to finish the work so well begun, which I have the satisfaction to have seen fully compleated, and have now the honour to congratulate your Lordships on the entire submission of all those so long obstinate people and H.M. on the acquisition of so many subjects. A duplicate of the instrument to which they have sworn and sign'd goes herewith inclosed and is exclusive of the other transmitted from Annapolis: they are all marry'd and may be computed at five in a family one with another by which your Lordships will find the number of those people at this day, adding to the number about fifty straggling familys who wait my return to Annapolis. The greatest obstruction that I apprehended to meet with in the course of this affair was from the Indians, who I had notice given me had taken the alarm, and were assembled in bodys to know what was upon the anvil, but by good management, plain reasoning and presents which I had prepared for them, they were brought into so good temper that instead of giving any disturbance they made their own submission to the English Government in their manner and with danceing and huzzas

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parted with great satisfaction. Thus far the peace of this country is settled with a prospect of continuance at least so long as the union subsists betwixt the two Crowns, but to be secure in all events requires farther precautions for 'tis certain that all the safety of this Province depends absolutely upon the continuance of that union; when that ceases the country becomes an easy prey to our neighbours, being in its present state not capable of much resistance, and Canso (which is the envy and rival of Cape Briton in the fishery) will be sure of being the first attack'd, which will take them no more than six or seven hours to march and possess it. But I am only the watchman to call and point out the danger, 'tis with your Lordships to gett it prevented. It is computed that the returns of the fish carry'd to marketts from Canso brings an yearly encrease to the home dutys of thirty or forty thousand pounds ster., if so, is it not looseing a sheep according to the proverb, when one third part of one year's income only, laid out in a fortification will put it out of danger. I am sure it will cost ten times that sum to recover it when lost; its present sad condition is the surprize and discouragement of the troops posted here, and to all such who desire to settle it. I have mett here with one of Col. Dunbarr's Deputy Land Surveyers, the first I have seen; he tells me he is sent to this place to receive my orders, whereas your Lordships' instructions to me only say, that I am to be aideing and assisting to them, in what I may, he is sett down here a passenger, and in no condition to proceed from hence on the surveys, for want of a vessell, it not being practicable by land; I have propos'd to him to take him on board the vessel, which your Lordships were acquainted I had taken into the service, and on my return to Annapolis to shew him the coast between this and Cape Sables and when I shall be sett down there to lett him make use of her when I have not immediate occasion; by this method the service may be done both ways, without farther expense, and is all I can do toward furthering the work. *Refers to* the proposal of M. Le Mercier (v. 2nd Oct. 1729, encl. iii) for settling a 100 familys in Nova Scotia. *Continues* :—A fertile soil and a good harbour is what they want, to which no answer is yett receiv'd, it were pitty such an offer could not be immediately embrac'd and encourag'd, but more was not in my power. I should think that now is the time our new French subjects should be putt upon some footing, it's a misfortune that we are not one jott the nearer to a regular form of Government by this acquisition, their religion disqualifying them from makeing a part of the Legislature, but whether they should not pay to the support of the Government, and in what degree, and also be oblig'd to take out new tenures for their lands, from the Crown to which they are now become subject; are matters whereto I shall wait perticular orders and instructions; Under this head it is

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proper your Lordships should know that here are three or four insignificant familys who pretend to right of seigneury's that extend almost over all the inhabited part of the Province, the late Governor Nicholson carry'd with him from hence the originall papers by which they claim; and all that they produce to me is a foul scrip of paper, which they say is a copy of part of the originall grant, (encl. ii), but I have told them that all pretentions to seigneury's fall to the ground by the conquest of the country, that there is no article in the Treaty of Utrecht in behalf of such priviledges, or if there was they have long since forfeited by refuseing to come in and swear allegiance to the Crown of Great Brittain. The Chief of these is a woman, who has been wife to two subaltern Officers of the Regiment; she has by cunning address got the others to make over their pretensions to her, on promise of some small consideration, and is goeing over to sollicite in hopes of obtaincing something of the Government in lieu thereof. I believe a small addition to her pension as an Officer's widow would content her, and put an end to that affair. Your Lordships' queries shall be answer'd by the first opportunity being but just come to hand. Lt. Col. Armstrong who is gone for England carry'd with him one Manjean a French Papist, who fled lately from Canada into this Province for a barbarous murder, the Lt. Governor took him into his protection and admitted him to take the oath; after which he render'd himself exceedingly odious to the inhabitants both English and French they believing that the Lieutenant Governour had acted toward them by his Counsell and advice; at my arrivall he finding many complaints were ready to be exhibited against him, petitioned for leave to retire, which being granted with a defense never to return gave a general satisfaction and prov'd a great inducement toward their submission to the Crown of Great Brittain. The fellow's character is very bad, but is allow'd to have a genius and would make an excellent Minister to an arbitrary Prince. *Refers to enclosed account of the Fishery at Canso, "which is now breaking up for this year, in weh. the number of fishing vessels, has been short of last year, occasion'd from the sickness at Boston, and the failing of some marchants there, notwithstanding which the plenty of fish made up so well for that deficiency that the quantity ship'd for forreigne marketts is not much less then last year. I shall have the honour of writeing to your Lordship's at my return to Annapolis."* Signed, R. Philipps. *Endorsed*, Recd. 12th Nov., Read 11th Dec., 1730. 10 pp. *Endorsed*,

411. i. Return of the Canso Fishery, 1730. 158 vessels, their cargoes and ports. 4 large pp.

411. ii. Copy of grant of lands in Accadie to M. Delatour etc. Versailles, 20th March, 1703. *Endorsed*, Recd. 12th Nov., 1730. *French*. 4 pp.

1730.

411. iii. Oath of allegiance to King George. Signed by the French inhabitants of Nova Scotia. "Nous serons entièrement fidèles et nous soumettrons véritablement à sa Majesté George le second *etc.*, que nous reconnoissons pour le souverain seigneur de la Nouvelle Ecosse et l'Accadie." 591 *signatures*. *Endorsed as preceding*. *Parchment*. 1 large folded p. [C.O. 217, 5. ff. 223-227v., 228v.-230v. ; and (abstract of covering letter) 217, 30. p. 41.]

Sept. 2.
Canzo.

412. Governor Philipps to the Duke of Newcastle. Duplicate of preceding covering letter. *Signed*, R. Philipps. *Endorsed*, R. 18 Feb. 9 pp. *Enclosed*,

412. i. Duplicate of encl. ii preceding. *French*. 2¼ pp.

412. ii. Duplicate of encl. iii preceding. *Parchment*. 1 large folded p. [C.O. 217, 39. Nos. 2, 2 i, ii.]

Sept. 3.
N.
Providence.

413. Lewis Bonnet to [? Mr. *Delafaye*]. Sr., since Governor Rogers his arrival here he hath been at a very great expence for repairing and improving the fort, in building of barracks for sheltering the soldiers, there being before the hurricane but a very poor rotten place which was then blown downe, and the rest of the fort very much damaged and decayed. Mr. Pheney having made no repairs ever since Governor Rogers's former administration here ; the great expences of which must have exhausted H.E. much this year, as also that of building a snow and fitting her at his own expence, for the safety of the Trade in these islands ; after having protected the inhabitants while raking of salt, she has been to the Havana, warlike armed and manned, also at H.E.'s charge, to the Governor and the English factor there, where he sent to complaine of a Spanish pirate that had taken two vessels amongst our islands, which we are to have satisfaction for from the Capt. and owners of the pirate if it can be recovered and factors at St. Jago de Cuba. I am going within a day or two to settle a correspondence to windward at Hispaniola and as most of the Gent. here are ready to enter into such a trade H.E. has recomended me to go in some of their vessels supercargoe which may prove both a genteel and profitable post. The Governor has been informed of some stir made at home against him by Mr. Pheney which (as H.E. is generally beloved) has caused some remonstrances (made by the old inhabitants) to be offered to H.E., which doth lay both Mr. Pheney and Mrs. Pheney in a very bad, tho' true light ; I beleive 'twould have proved much more to their advantage to have rested quiet, *etc.* *Signed*, Lews. Bonnet. 1½ pp. [C.O. 23, 14. ff. 133, 133v.]

414. Governor Burrington to the Duke of Newcastle. In North Carolina there are att this time ten precincts, when the

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country is all over peopled, there may be as many more, at present there is a Register in every precinct, but if H.M. gives a Commission or Patent to any gentleman to keep a General Register for the whole country, the precinct Registers must drop. *Signed*, Geo. Burrington. 1 p. [C.O. 5, 308. No. 10.]

Sept. 3.
London.

415. Publicus [*i.e.* Francis Freelove. v. Sept. 17] to the Duke of Newcastle. I am no stranger to the unhappy disputes in the Plantations between the people and their Governours, which are of such a nature as seems to clash with the Prerogative of the Crown, and may be of dangerous consequence if a stop be not put to them *etc.* I have lived many years in the Plantations, and have seen most of their remonstrances and complaints *etc.*, and could propose an expedient to allure them to their duty, and thereby put an amicable end to those unnatural controversies *etc.* They are now under the strongest apprehensions in case of a war, upon account of the miserable condition of their fortifications, which they have neglected ever since the late war *etc.* *Has a scheme* to propose that will be no ways burthensome or disagreeable to them, by which an additional revenue of 40,000*l.* pr. annum may be settled on the Crown, to enable H.M. to put the fortifications into an immediate state of defence *etc.* By this means the Crown may be freed from any future dependance upon the people for the better support of their Governours; which will put a final end to all complaints of that nature. I propose to raise this additional revenue without any further tax upon the subject, either at home or abroad, than what they now pay *etc.* P.S. Will wait on his Grace if the receipt of his letter is acknowledged in the next Gazette. *Signed*, Publicus. *Endorsed*, Advertised accordingly. *Addressed.* *Postmark.* 2 $\frac{1}{4}$ pp. [C.O. 5, 4. No. 43.]

Sept. 7.
Whitehall,

416. Council of Trade and Plantations to Committee of Privy Council. *Representation on* Mr. Browne's Memorial, 14th July. Have been attended by Mr. Browne, but no person appearing in behalf of Depty. Govr. Gordon, propose to transmit copies of the complaints to him for his reply. *Continue* :—In the mean time, we take leave to propose to your Lordships, that H.M. orders be signify'd to the said Deputy Governor, strictly requiring him not to discountenance or interfere with the legal proceedings of the Judge or other officers of H.M. Court of Vice-Admiralty in Pennsylvania, nor to suffer any incroachments by ye Chancery or Common-Law Courts of ye said Province, upon the Admiralty, but on the contrary, to countenance, support and protect the said Vice-Admiralty Court, and the several officers thereto belonging, in their just and legal rights, upon pain of H.M. highest displeasure. *Propose* to give Major Gordon directions as in following, according to the usual practice of the Board. [C.O. 5, 1294. pp. 12–15.]

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Sept. 7-9.

417. Articles of Friendship and Commerce propos'd by the Lords Commissioners for Trade and Plantations to the Deputys of the Cherrokee Nation in South Carolina by H.M. Order, 7th Sept., and agreed to the 9th.

Whereas you Seayagusta Oukah, Chief of the town of Tassetsa—you Scalilosken Ketagusta—you Jethtowe—you Clogoittah—you Colannah—you Oucounaco—have been deputed by Motoy of Tellike, with the consent and approbation of the whole nation of ye Cherrokee Indians at a General Meeting at Nikossen the 3d of April 1730, to attend Sr. Alexander Cuming Baronet to Great Britain where you have seen the great King George, at whose feet ye said Alexander Cumming by express authority for that purpose, from ye said Moytoy, and all the Cherrokee people, has laid the Crown of your nation, with ye scalps of yor. enemies and feathers of glory at H.M. feet, in token of obedience. Now ye King of Great Britain, bearing love in his heart, to ye powerfull and great nation of ye Cherrokee Indians, his good children and subjects, H.M. has impowered us to treat with you here, and accordingly we now speak to you, as if the whole nation of the Cherrokees, their old men, young men, wives and children, were all present, and you are to understand the words we speak, as the words of the great King our Master, whom you have seen; and we shall understand the words which you speak to us, as the words of all yor. people, with open and true hearts to ye Great King. And thereupon we give four peices of striped duffles. Hear then the words of the Great King whom you have seen, and who has commanded us to tell you, that the English everywhere on all sides of the Great Mountains and Lakes, are his people and his children whom he loves. That their friends are his friends, and their enemies are his enemies. That he takes it kindly, that ye Great Nation of Cherrokees have sent you hither a great way, to brighten ye chain of friendship between Him and them, and between yor. people and His people, that ye chain of friendship between Him and ye Cherrokee Indians, is like the sun, which both shines here, and also upon the Great Mountains, where they live, and equally warms ye hearts of the Indians and of the English. That as there are no spots, or blackness in the sun, so there is not any rust or foulness in this chain, and as ye great King has fastened one end of it, to his own breast, He desires you will carry the other end of the chain, and fasten it well to ye breast of Moytoy of Tellike, and to ye breast of your old wise men, your Captains, and all your people, nevermore to be broken, or made loose, and hereupon we give two peices of blew cloth. The Great King, and the Cherrokee Indians, being thus fast'ned together by ye Chain of Friendship, He has ordered his people and children ye English in Carolina to trade with ye Indians, and to furnish them with all manner of goods that they want, and to make

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hast to build houses, and to plant corn, from Charles Town, towards ye town of the Cherrokees behind ye Great Mountains. For he desires that ye Indian and English may live together, as ye children of one family, where ye Great King is a kind and loving Father. And as ye King has given his land on both sides of ye Great Mountains to His own children ye English, so he now gives to ye Cherrokee Indians, ye priviledge of living where they please. And hereupon we give one peice of red cloth. That the great Nation of the Cherrokees, being now the children of the Great King of Great Britain, and He their Father, the Cherrokees must treat the English as brethren of ye same family, and must be always ready at ye Governor's command to fight agt. any Nation, whether they be white men, or Indians, who shall dare to molest them, or hurt ye English. And hereupon we give twenty guns. The Nation of ye Cherrokees shall on their part take care to keep ye trading path clear, and that there be no blood in the path where the English white men tread, even tho' they should be accompany'd by another people, with whom the Cherrokees are at war, whereupon we give four hundred pounds of gunpowder. That the Cherrokees shall not suffer their people to trade with the white men of any other Nation but ye English, nor permit white men of any other Nation to build any forts, eabins, or plant corn amongst 'em, or near to any of ye Indian towns, or upon the lands which belong to the Great King, and if any such attempt shall be made, you must acquaint the English Governor therewith, and do whatever he directs, in order to maintain and defend the Great King's right, to the country of Carolina. Whereupon we give five hundred pounds weight of swan shot five hundred pounds weight of bullets. That if any negroe slaves shall run away into ye woods from their English masters, the Cherrokee Indians shall endeavour to apprehend them, and either bring them back to ye Plantation from whence they run away, or to ye Governor. And for every negroe so apprehended and brought back, the Indian who brings him, shall receive a gun and a matchcoat. Whereupon we give a box of vermillion, 10,000 gun flints, and six doz. of hatchetts. That if by any accidental misfortune, it should happen that an Englishman should kill an Indian, the King or Great Man of the Cherrokees, shall first complain to the English Governor. And ye man who did it shall be punished by ye English laws, as if he had killed an Englishman. And in like manner if any Indian shall kill an Englishman, the Indian who did it, shall be deliver'd up to the Govr. and punished by the same English law, as if it was an Englishman. Whereupon we give twelve dozen of spring knives, four dozen of brass kettles, and ten dozen of belts. You are to understand, all that we have now said, to be ye words of ye Great King, whom you have seen. And as a token that his heart is open and true to his children

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and subjects ye Cherrokees, and to all their people, He gives Hand and this Belt, which He desires may be kept and shewn to all your people, and to their children and children's children, to confirm what is now spoken. And to bind this agreement of Peace and Friendship, between ye English and ye Cherrokees, as long as ye Mountains and Rivers shall last, or ye sun shine. Whereupon we give this Belt of Wampum. [C.O. 5, 400. pp. 388-394.]

Sept. 7. **418.** Memorial of loss and damage (50*l.*) sustained by master and crew of the *Frances and Katherine* of Bristol, plundered of stores and wearing apparel by a Spanish sloop on 7th June, 1730, in her voyage from Jamaica to Bristol. Deposition, signed, Ellis Bennett (master), Saml. French (boatswain). *Endorsed*, Reed. (from Mr. H. Fane and Mr. Crookshank) 17th Sept., 1730. *Copy.* 3 pp. [C.O. 388, 92. No. 11.]

Sept. 8. **419.** Mr. Popple to Depty. Governor Gordon. *Encloses* Mr. Browne's case, and memorial of Lords Commrs. of the Admiralty and Sir Henry Penrice's report for his answer thereto. *Continues* :—My Lords Commissioners are surpriz'd that they have not receiv'd any account either from you, or any person in your behalf, of what has happen'd in your Government since your arrival in that Province, nor can they learn that you have given any such account to H.M. or His principall Secretary of State, both which you undoubtedly ought to have done. It will behove you therefore to send a full and explicite answer to these complaints assoon as may be, and in the meantime not to discountenance *etc.* as in preceeding. *Continues* :—And that their Lordships may be fully inform'd, they expect you should return to them such depositions and proofs in your own behalf, as you shall think convenient, giving at the same time full liberty to Mr. Browne, or any other persons concern'd, to make affidavits before any Judge, or other Magistrate of what they know concerning the subject matter of the said complaint, that such Judge or Magistrate be likewise enjoyn'd to summon such persons as the complainant shall name: that you and they do interchange the said proofs and depositions so soon as the same shall be made; and that 20 days be allow'd, as well for yourself as the complainants, to make your or their reply by affidavits or otherwise, to be in like manner interchangeably communicated to each other, and afterwards transmitted hither without loss of time, that their Lordships may be enabled to make a report to H.M. on the true state of this affair. [C.O. 5, 1294. pp. 15-18.]

Sept. 8. **420.** Mr. Popple to Richard Arnold, Deputy Secretary of
Whitehall. War. The Indian Chiefs being again to attend My Lords

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Commissioners *etc.*, I am to desire you will please to issue another order, for two Serjeants and twelve Granadiers to attend this Office to-morrow morning, and to receive their directions from hence *etc.* [*C.O.* 5, 400. *p.* 387.]

Sept. 8.
Whitehall.

421. Council of Trade and Plantations to the Duke of Newcastle. Enclose following. *Autograph signatures.* *Endorsed*, Copy sent to E. Waldegrave, 30th Nov., 1730. 1 *p.* *Enclosed*,

421. i. *Same* to the King. Whitehall. Sept. 7th, 1730. Having lay'd before your Majesty such proofs as occur'd to us for the maintenance of your right to the islands of Santa Lucia and St. Vincent, we now humbly beg leave to represent to your Majesty the state of your title to that of Dominico. It appears by Hackluyt's Voyages, an author of good credit, printed at London in the year 1589 (*v. App.* i) that this island was discover'd by the subjects of Great Britain on the 9th of March, 156 $\frac{4}{5}$. This island likewise is one of those that were expressly named in the grant of the Charibbee Islands made to the Earl of Carlisle in the year 1627 (*App.* ii), and that grant recites that this island had been discovered and inhabited by the English before the date of the said grant. This grant is also confirmed by the Commission of the Lord Carlisle to Sr. Thomas Warner (*App.* iii) as hath been more at large observ'd in the proofs relating to Santa Lucia and St. Vincent, and Dominico hath constantly been deem'd to be a dependence on the Government of Barbados. On the 1st of April, 1664, Capt. Thomas Warner, a natural son of Sr. Thomas Warner by a Charibbean woman, was made Deputy Governor of Dominico by the Lord Francis Willoughby then Governor of Barbados, this Thomas Warner is the same person mentioned by Pere du Tertre to have been at the head of the savages who sold the island of Sta. Lucia to Col. Carew in the year 1664, and the said Charribeans during his time, did acknowledge the sovereignty of the Crown of Great Britain. The Lord Willoughby's Commission (*App.* iv) to this Capt. Warner, is printed at large in the 3rd volume of Père du Tertre's *Histoire Général des Antilles* page 85 *etc.* In 1666 the Lord William Willoughby succeeding *etc.* as Governor of the Charibbee Islands, was particularly instructed by King Charles II (*App.* v) to allow no stranger, subject to any other Prince or State, to inhabit or possess any place contained in his Commission, but such as should acknowledge H.M. sovereignty there; and was likewise ordered to

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streighten, distress and dispossess any of the French King's subjects who should have taken possession of any island named in his Commission ; His then Majesty being resolved to assert his right to those islands, and to vindicate his subjects from the insolence and injurys of their neighbours. Pursuant to this Instruction, upon complaint of some insults on the English committed by the Indian inhabitants of Dominico, the Lord Willoughby made an expedition to that island, with design to punish the said Indians for their disobedience. But they soon returned to their duty, and then the Chiefs did by general consent in March, 1668 (*App.* vi), surrender and convey the said Island to the King of England, putting themselves as subjects under his Majesty's protection and government. This agreement was made by an instrument in writing, sealed and delivered in the most solemn and authentick manner, that those people were capable of : the truth whereof was attested by Edward Littleton Esq. (*App.* vii), then Secretary to the Lord Willoughby, who had the said instrument in his custody. The first dispute that we find in our books, about the right to this island was in May, 1672 (*App.* viii), when Col. Codrington, then Deputy Governour of the Charibbee Islands, under the Lord William Willoughby, having sent some people from Barbados to make settlements in Dominico Mons. de Bas (Governor of Martinico) dispossessed them and burnt their houses, pretending that by some articles or conditions of peace heretofore made between the two Nations, Dominico was to remain a neuter island, free to the Indians, and to be possessed by neither nation (*App.* ix). To which suggestion answer was made by the then Council of Trade and Plantations (*App.* x) in their letter to my Lord Willoughby of the 11th of Dec., 1672 (*quoted, v. C.S.P. under date*), that no such articles of peace were known or ratified, or mentioned in the Treaty of Breda *etc.* To which we shall beg leave to add, that as Capt. Thomas Warner was actually in possession of this island, and Governor thereof for the King of Great Britain on the 1st day of January, 1665, when the Dutch war first broke out, your Majesty is indisputably intituled to Dominico by virtue of the Treaty of Breda, as may more fully appear by our reasonings upon that Treaty in our report on Sta. Lucia. The Charribbee Islands in the year 1672, were divided into two separate Governments (*App.* xi). But Dominico, St. Vincents, and Sta. Lucia lying to the windward of Guardeloupe remained

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dependant on Barbados, and were particularly inserted by name in the Commission and Instructions for that Government, and have continued to be inserted in them ever since. Wherefore upon the death of Lord William Willoughby which was in April, 1673, (*App.* xii), the government of these islands devolving on the President and Council of Barbados, they sent new powers to Capt. Thomas Warner, of the same tenour with those formerly given him by the Lord Willoughby, whereby he continued Governour of Dominico for the King of Great Britain, till the 27th of Dec., 1674, when he was killed by Colo. Philip Warner and some other people from Antigua, who were prosecuted on that account in 1676, as appears by a copy of the indictment hereunto annexed. (*App.* xiii). And altho' the English have not made any regular settlements in this island for the reasons mentioned in our report on Sta. Lucia and St. Vincents, yet they have always kept up their claim of right there, and with very good reason esteem'd the same to belong to the Crown of Great Britain, and therefore Colo. Stede (Lt. Governour of Barbados, and the rest of the Windward Islands) after having published on the island of Barbados the Treaty of Peace and Neutrality in America, *etc.* (*App.* xiv) sent Capt. Beach in one of H.M. frigats to publish the said Treaty on the island of Dominico (as part of his Government), which was done accordingly in March, 1687, and the arms of England were then solemnly affixed in the most eminent places of the said island as ensigns of H.M. sovereignty there. And in May, 1687, (*App.* xv) some French having crept into this island, Colo. Stede, by H.M. frigate, once more disturbed their settlements, burning their hutts, their fishing tackle and canoes, and causing a French ship to be seized with the men belonging to it, for having cut wood there, without leave from the English. To prevent all future disputes with the French, upon this and the like occasions, Commissioners were appointed in 1688, to treat with Monsr. Barillon, then French Ambassador here, for determining the right of the respective Colonies and islands belonging to each Nation, as hath already been observed in our report on Sta. Lucia, and instructions were dispatched to Colo. Stede (*App.* xvi), to send an exact account of the boundaries and limits of his Government of Barbados, and of the islands and territories depending thereon; in pursuance whereof, he gave a commission (*App.* xvii) to several of the Council of Barbados to make enquiry into H.M. title

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to Sta. Lucia, St. Vincent, and Dominico, who from the depositions of the most aged and best knowing persons then living in those parts, formed a report (dated the 23rd of Sept., 1688), whereby (*App.* xviii), it appears (to use his own words) "that His Majesty had an undoubted and sole right to those three islands, and that the French have not truly any shadow or colour of pretence thereto." Since therefore the French have not acquired any new title to this Island from that time, either by conquest, during the course of the late war, or by any condition express'd in the last Treaty of Peace; we are clearly of opinion that your Majesty has an intire right of sovereignty over the island of Dominico, by early discovery, by the cession of the ancient Proprietors, kept up by frequent claim and confirm'd by the Treaty of Breda. *Autograph Signatures.* 9 pp. *Enclosed,*

421. ii. *Appendix.* (1) Extract of Journal of Capt. Hawkins, 1564. Hakluit's Voyages 1, 529.
421. iii. Reference to report on Sta. Lucia, *supra*.
421. iv. Copy of Commission from Francis Lord Willoughby to Capt. Warner. Quoted from du Tertre iii, 85.
421. v. Reference to Sta. Lucia report.
421. vi. Reference to report on St. Vincents, *supra*.
421. vii. Memorial from the Agents of Barbados to the Council of Trade and Plantations, April 10, 1700.
421. viii. Extract of letter from the Council of Trade to Governor Lord Willoughby (— ? 1672).
421. ix. Extract of letter from Col. Codrington to Lord Arlington, 27th July, 1672.
421. ix. a. Reference to Sta. Lucia report, Appendix 34.
421. x. Reference to *No.* viii *supra*.
421. xi. Reference to St. Vincents report, Appendix x.
421. xii. Extract of a letter from the Council of Barbados to the Council of Trade, 28th May, 1673.
421. xiii. Copy of a presentment of the Grand Jury of Barbados, 8th Sept., 1676.
421. xiv, xv. References to St. Vincents report, Appendix xv and xvii.
421. xvi. Copy of H.M. letter to Governor Stede, 1st April, 1688.
421. xvii. Reference to Sta. Lucia report, Appendix xi and copy of affidavit by Col. Codrington, 30th June, 1688.
421. xviii. Extract of letter from Governor Stede, 30th May, 1689. 16 pp. *Endorsed,* Copy sent to E. Waldegrave, 30th Nov., 1730. [*C.O.* 71, 2. *Nos.* 1, 1 i, ii; and (*without enclosures*) 29, 15. pp. 197-208.]

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Sept. 8.

Squirrel,
Placentia.

422. Governor Osborn to Mr. Popple. *Begins as first part of letter to D. of Newcastle, 25th Sept. infra; and concludes:—* Upon my first arrival I thought the neglect of administration of affairs had proceeded from several of the principal men (who were made Justices) wintering (against their first intentions) in Europe; therefore that, that, shou'd be no impediment for the future I thought it was proper with the opinion of my Lord Vere Beauclerke to enlarge the Justices authority by giving them power to act as well without, as within their limmits, a coppe of which I have done myself the honor to inclose in hopes of it's meeting with their Lordps' approbation; but upon being more conversant with the situation of affairs I soon perceived all the obstructions proceeded from those means I have already mentioned. Now Sir as what I have said only relates to the Civill government; I beg leave to trespass a little further upon their Lordps. to show how far the conduct of these people occasion the other disorders that are committed in this island, and perticularly at Placentia. At the latter end of the fishing season they generally find some reason to differ with their servants that they may have a pretence not to pay them their waiges, by which these poor reches for want of money to pay their passage home are obliged to stay in the country the winter without any prospect of getting a subsistance; but what is yet more notorious, they sett up a number of boat-keepers who have no stock to begin upon but what they supply them with in the spring of the year, and in the Falle, these masters of ships come upon these boatmens rooms, and seize all their fish by force for these necessaries, before any of their servants have received any part of their waiges, or without considering which way they are to come by them, by which means hundreds of these poor creatures are beging up and down, and come crying to the Commanders of the men of war as soon as they arrive for redress, but as I am very sencible of my own inability in giving your Lordps. a just idea of these people's sufferings I have taken the liberty to inclose a few coppes of those petitions wch. we always receive at the latter end of the year; by which their Lordps. will be better judges of that fact which I main't so clearly explain, and if the Captains of the men of war do make any decisions in these cases, which (with submission) they seldom can (the offenders at that time being very much dispersed) if these decisions are not agreable to their masters, the moment we are gone, or they got out of our reach, they only scoff at our orders and treat them with the utmost contempt *etc.* I am under great concern, but shou'd have been more, to have been so unsuccessfull in all my endeavours, were not I sencible of this island, and nature of the people who use it *etc.* *Signed, Hen. Osborn. Endorsed, Recd. 7th Nov., 1730, Read 12th Jan., 1731. Holograph. 7¼ pp. Enclosed,*

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422. i. Original of 25th Sept. encl. v.
422. ii. Complaint of the Justices of the Peace at Placentia against the Fishing Admirals. 16th May, 1730. Yesterday there was a Court held by the three Admiralls of this Harbour at the house of Mr. Francis Sayers upon a complaint of Mr. Edward Mills in moneys due to him by the Gandys and Roache of Paradize upon which their (?) boat and craft was seized. Likewise they had one Jeffery Poor before them upon some differences in trade between him and Mills, and upon some misbehaviour of Poor, he was sent to the fort a prisoner *etc.* Thinking this way of acting contrary to the power granted us by our Commissions, we told Admiral Wm. Brooks *etc.* that their proceeding at that Court was an infringement of our authority *etc.*; his answer was that the administration of all Justice did belong to them *etc.* He said he had no business with our commissions, but had the act of Parliament for his. Capt. Wm. Chappell said the Admirall had more power in this harbour then Governor Osborn *etc.*; that it was in their power to whip, put in the stocks and imprison at their pleasure, and to appoint any person to be Constable; that Governor Osborn's commission was only from the Privy Council, by which they seemed to doubt the authority given us. Therefore perceiving they would take all administration of Justice from us, we have thought fit to desist of takeing connizance of anything till Governor Osborn arrived, which without doubt will inform us and them which is our prerogative *etc.* Signed, Peter Signac, Tho. Salmon, Tho. Buchanan. Endorsed, Reed. 7th Nov., 1730. Copy. $1\frac{3}{4}$ pp.
422. iii. Order by Governor Osborn, 12th Aug., 1730. H.M.S. *Squirrel*, St. John's Harbour. Whereas the several Commissions of the Peace *etc.* hath not been executed in every respect agreeable to the full force and intention thereof, by reason many of the Justices absenting themselves on their private affairs into many parts of Europe, and the number remaining not being sufficient in many cases which the Law requires *etc.*, by which there has been in a great measure for some time a suspension to the administration of Justice *etc.*, *repeals* so much of the clause in said commissions as limits the Justices' authority to a certain district, *impowering* them by virtue of their former commissions to be Justices of the Peace over the whole island *etc.* Signed, Henry Osborn. Endorsed as preceding. Copy. 1 p.

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422. iv. (a) Petition of Peter Signac, merchant in Placentia, to Governor Osborn. In my absence in 1727, William Babbage, master of the ship *Friendship* of Barnstable, took possession of my fishing room upon the Grand Beach of Placentia. He and his owners refuse to pay for it. *Prays for an order to compel them etc.* Signed, Peter Signac.
- (b) Petition of Richard Mackrell to *Same*. Is owed 68*l.* by John Sheave, boatkeeper. Other smaller creditors have been paid, but "I the only sufferer not a fish nor a drop of oyle."
- (c) Petition of Patrick Hoogan to *Same*. Servant of John Shave (= Sheave), prays grant of a boat of his in lieu of 9*l.* wages owing to him.
- (d) Petition for John Bryant to *Same*. Mr. Thomas Power, of Little Placentia, owes petitioner 3*l.* 5*s.* sterl. besides his passage; but has turned him adrift.
- (e) Petition of John Redhead to *Same*. Prays order for payment of 15*l.* sterl. for service last year to Robert Mercer at Marrison at the Western shore.
- (f) Petition of Daniel Mahonney to *Same*. Petitioner made a firm contract with Capt. Bartho. Shapton for 9*l.* portlage and share sterl. *etc.*, which he refuseth to pay, and not long since being taken of a feavour and flux was obliged to return fifteen days before the time (vizt.), the ship's crew and in the carpenter's presence have been used barborasly, because could not perform as the rest did *etc.* *Prays for justice.*
- (g) Petition of Paul Neale to *Same*. A very poor man with a wife and 9 out of 20 children left he shipped along with David Reed planter in *Paradise* for 12*l.* wages, had a tolerable good fishing, and in August Mr. Solmon of Placentia came and took away all the fish. He now has nothing *etc.*
- (h) Petition of Andrew Roper to *Same*. Petitioner served Maurice Power of Little Placentia this summer fishing season. *Prays that* he may be paid in trayn-oil as per agreement.
- (i) Petition of Thomas Buchanan of Placentia. Petitioner has right to a plantation, the which has been possessed by Capt. Saml. Borrows and Capt. Geo. Crocker without any agreement. *Prays for order for rent etc.*
- (j) Petition of John Walls to *Same*. Petitioner served Thos. Connor of Little Placentia for last summer's fishing season for 15*l.* But petitioner being forced to quit Conner's room for 6 days by reason that his boatmaster did beat and batter and say that he would

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cripple or kill him. Connor now denies paying his wages *etc.*

- (k) Petition of Thomas Power to *Same*. Petitioner was shipped along with John Perry planter in Paradise for 8*l.* sterl., who gave him a small parcel of green fish in part of his wages. One Mr. Broade would not permit him to work at it, pretending to take it all for some of Perry's old debts *etc.* Petitioner is left destitute *etc.*
- (l) Petition of Thomas Buchanan to *Same*. Capt. Wm. Chappell has possessed his house and plantation during the summer without any agreement. They are now let out to Capt. Nicholas by Edward Mills, by what authority he knows not. *Prays* for warrant to stop goods in the house till paid rent *etc.*
- (m) Petition of Richard Whelen to *Same*. *Prays* for order for 24*l.* against Thos. Connor, planter, for two years service.
- (n) Petition of Barth. Roberts to *Same*. Petitioner was mightily abused on the passage from Ireland by John Power who broke his rib, which hindered him from earning his bread. Must starve unless H.E. will take compassion on him *etc.*
- (o) Petition of Nicholas Stokes, planter, to *Same*. *Prays* to be confirmed in room for 4 boats he has prepared at Point Verte *etc.*
- (p) Petition of Thos. Buchanan of Placentia, merchant, to *Same*. Capt. John Cummings has possessed a room belonging to petitioner without making any agreement; the Admirals have refused to do petitioner justice *etc.* *Prays* for order for rent.
- (q) Petition of John Perry to *Same*. Petitioner having been brought somewhat low in the world by bad voyages *etc.*, had agreed with Saml. Adams for his winter's diet for 5*l.* 10*s.* Adams warned him away out of his house 10th April, and would not allow him any more meat if he did not sign to a note of 13*l.* *etc.* "So we parted for a week *etc.*, but could not help myself and was obliged to comply or starve *etc.* Adam takes away what he pleases out of my house and room." *Prays* for relief.
- (r) Petition of John Sullyvan to *Same*. Was shipped along with Capt. Wm. Fullford during the fishing season for 6*l.* from 2nd June and passage home. Was taken sick on 22nd July. Is left destitute in this wilderness in a deplorable condition, his master having come to him when he was not in his right senses and compelled him to sign a discharge of his wages *etc.*

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- (s) Petition of John Perry to *Same*. Petitioner sold a parcel of green fish to Mr. Broade. He made use of it in saving of it 15 days and then the fish being spoyled, would have petitioner take it back *etc*.
- (t) Petition of John Power, fisherman, to *Same*. Petitioner was shipt for this year's fishery with Thos. Conner and Edward Power, Little Placentia, at 14*l*. wages and passage out, but about the middle of July hurt his finger by a fishing hook, and by their bad useage and cruelly forcing him to sea before he could get cured, he has been obliged to have one joint cut off. Upon account of which they stop his wages *etc*. Prays for justice.
- (u) Petition of Joseph Stephenson to *Same*. Petitioner served Edward Mills last summer for 4*l*. sterl. and passage out. Mills now refuses payment *etc*.
- (v) Petition of Thomas Buchanan of Placentia, merchant, to *Same*. Petitioner has in lease a house belonging to Col. John Moody and is now possessed by Robert Mercer, who will not remove nor take a lease of the same. *Prays for order for rent etc*.
- (w) Petition of Walter Mallonney to *Same*. Thos. Power of Little Placentia boatkeeper has shiped me in Waterford for 5*l*. sterl. and my passage, but turned me away after 8 days here *etc*. *Prays for a summons*, "for he is great and headstrong" *etc*.
- (x) Petition of Peter Signac merchant and planter, Placentia, to *Same*. Having since 1721 enjoyed a room where now stands my stage at La Perche near Cape St. Maries, confirmed to me as just possession by two Commanders. Samuel Borrows master of the *Expectation* of Bideford, after treating with me for hire of the same and thinking my demands not agreeable, has taken it without my leave *etc*.
- (y) Petition of James Slattery to *Same*. Petitioner is mightily wronged of his wages by John Brand *etc*.
- (z) Petition of Richard Ballden to *Same*. An inhabitant for 16 years, he was put in possession of a small plantation by Governor Moody. A Frenchman called Fransoir Pickett is resolved to take it away from me as soon as your Honour is gone. *Prays for help*.
- a (i) Petition of Ant. Harper, Robert Dusset, John Cooper, Richard Cooper to *Same*. Petitioners served John Shave at Odearing to the Westward shore for last summer's fishing. Shave began to pay fish to petitioners for wages, but then caused Tho. Salmon to come upon his room to collect some debts. Salmon forced the fish petitioners received from them and confined them prisoners without cause, as Andrew

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Downman, the chief planter in this place can witness.
Pray for justice etc.

- b* (i) Petition of Richard Power to *Same*. Petitioner hath been abused by Lawrence Noggan, who refuses to pay 2*l.* for wages last winter twelve months.
- c* (i) Petition of Edward Buck to *Same*. Petitioner was shipped along with one Capt. Geo. Hogg and did his duty as becometh till 18th Aug., at which day his mate and two others struck and barbarously beat him, without cause, so that he was not able to stand *etc.* He was shipped at share and portlage either to go to markt or tarry here, but now dare not serve in the vessel any more. Prays to be secured Christian usage "inasmuch as we bare the brunt and slavery of all their great voyages" *etc.*
- d* (i) Petition of Patrick Gott to *Same*. Petitioner was shipped along with Thomas Conner for winter and summer for 11*l.* wages, and the winter being so very rare in the harbour has obliged him to give him 30*s.* sterl. to take him in among his crew for the winter, and there served as becometh until March, and then was disabled and came to a doctor's house, where his master ordered that he should have no credit on his account, and would only grant him his clearance on signing a paper to pay him 4*l.* besides his 30*s.*; though he has nothing and no way to live in this poor wilderness *etc.*
- e* (i) Petition of Johnathan Hodgan now soldier at Placentia, to *Same*. Robert Mercer owes petitioner for service 16*l.* 1*s.* 6*d.* which he refuses to pay *etc.*
- f* (i) Petition of Nich. Cole to *Same*. Petitioner served John Haddock of Little Placentia as boats master for this summers fishing season. Haddock refuses payment, but has had petitioner's chest and cloathes seized *etc.* *Prays for justice etc.*
- g* (i) Petition of Patrick Hoegan to *Same*. Petitioner was shipped along with John Shave planter in Odearing for 9*l.* sterl. and one pair of shoes. When the season was expired, Thos. Salmon came upon their room and took away their fish. "I beg'd for God's sake he would see justice done me, he being the only magistrate in the place" *etc.* *Prays for justice*, being "in a famishing condition, not haveing any earthly thing to subsist for myself or my great charge of children" *etc.* *Prays for an order to seize the goods of John Shave, etc.* *Endorsed*, Recd. 8th Sept., 1730. *Copies.* 16 $\frac{1}{4}$ *pp.*

422. v. Duplicate of 25th Sept. encl. iii. [C.O. 194, 9. ff. 15-18v., 20-22, 23v., 24v.-33, 34v.-35v., 38v.]

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Sept. 8.
Whitehall.

423. Council of Trade and Plantations to the Lords of the Committee of the Privy Council. *In reply to* reference of Oct. 14, 1729, as to purchase of the Bahamas, *represent that*, after having several times discoursed upon this subject with Mr. Shelton, Secretary to the six Lords Proprietors, we thought fit to commence a negociation by his canal, with the said Lords Proprietors, which after some time produced a letter from five of them (copy annexed), wherein they express their inclination to give up and surrender to H.M. all right and title to their respective shares of the Bahama Islands, in consideration of the sum of one thousand guineas to be paid to each of them, clear of all fees and expences, reserving their right to all such arrears of rent as should be due at the time of their surrendry either from their Lessees or assigns. Soon after the receipt of this letter, we employed the abovementioned Mr. Shelton on a message to Lord Carteret, to know if he would join with the other Lords Proprietors in the general sale of the Bahamas to H.M., who made answer, as his Lordship had before done with respect to Carolina, that he would not concur in the proposed sale *etc.* Without doubt the Lord Carteret's concurrence is a desirable point: but notwithstanding his refusal, having very maturely considered the importance of the Bahama Islands to the English Navigation in America, by their being so extremely well situated for the reception of such British frigates as may at any time be sent into those parts for the protection of our trade, and of privateers for the annoyance of an enemy in time of war, we are humbly of opinion that the purchase of the said islands would redound very much to the honour of H.M. Government, and the interest of his Kingdoms, as we have more fully set forth in former representations *etc.* We are also of opinion that the sum of 1000 guineas which is required to be paid as purchase money to each of the Lords Proprietors, is not an unreasonable demand. But here we find ourselves obliged to observe to your Lordships, that there is a lease now subsisting from the present Proprietors, which has eight years to run, empowering the Leesses or their assigns, to make grants of lands in the Bahama Islands in perpetuity, with the reservation however of a certain quit-rent to the Lords Proprietors, wch. was originally set at three pence per annum for each acre by them granted, but that being found by experience to be too high a rate, it has been since reduced to one penny per acre; which is the annual quit-rents that lands now pay in the Bahamas. So that when we give it as our opinion, that it will be proper to advise H.M. to the purchase of these islands under the condition of paying 1000 guineas to each of the consenting Proprietors, and that with the disadvantage of the Lord Carteret's non-concurrence; we would be understood to advise the purchase upon this proviso, that the said Lords Proprietors do relinquish to H.M. all manner of rights to rents or arrears of rents, and to all

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demands of what denomination whatsoever, which they shou'd or might have had a claim to, at the times of their surrendering the said islands. All which demands and pretensions, together with the property, royalty and dominion of the soil, shou'd from that time be absolutely vested in the Crown. If H.M. is pleas'd to make the purchase upon these terms, and the Lords Proprietors will also concur in the foregoing stipulations, we are of opinion that a demand may be made in Parliament the next sessions for this purpose, and a bill brought in for making the said purchase effectual, agreeable to what has been already done in the case of Carolina. [C.O. 24, 1. pp. 190-194.]

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Whitehall.

424. Council of Trade and Plantations to the Lords Commrs. of the Treasury. As the house which H.M. has been pleas'd to allot us for our Offices is a very crazy building and stands frequently in need of small repairs, we have found ourselves under a necessity of being troublesome to your Lordps. upon that subject; But to avoid such applications for the future, we desire your Lordps. will be pleas'd to give a genl. order to the Officers of H.M. Board of Works, signifying H.M. pleasure to them, that they are to look upon this Office for the future to be immediately under their care and inspection, and that they may from time to time make such repairs as shall by them be thought necessary for H.M. service to be made here. [C.O. 389, 37. pp. 315, 316.]

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425. R. Shelton to Mr. Popple. *In reply to enquiry, encloses account of the lease of the Bahama Islands. Continues:*—It was made to Woodes Rogers, who transferred his term to Will. Chetwynd, Adam Cardonnel, Tho. Pitts Esqrs. etc., but the right and interest of the term is by mean assignments now vested in Sr. Charles Wager, Mr. Hide, Mr. Harris etc. The lease bares date 28th Oct. 1717 and it was to commence from the 25th Dec. next ensuing that date for the term of 21 years; paying 50*l.* yearly during the first seven years, 100*l.* during the next seven, and 200*l.* yearly during the last seven years etc. In the said lease Woodes Rogers and his assigns have power given them in the name of the Lords Proprietors to grant any of the said lands in fee or for any terms of years, reserving such yearly ground rent as to them shall seem convenient, provided such rent is not less than one penny sterling for every acre, and provided no fine is taken for the same. This is the substance of the lease etc. *Signed*, Ri. Shelton. *Endorsed*, Reed., Read 9th Sept., 1730. *Holograph.* 2 pp. [C.O. 23, 2. ff. 215, 215v., 216v.]

Sept. 9.
Hartford.

426. Governor Talcot to the Council of Trade and Plantations. Right Honble., I received your Lordships' Queries to this Colony and layd them before the General Assembly at their Sessions in May last; they immediatly appointed a Comtec.

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to assist me in the affair that so our answers to them might be with the greater certinty. By their endeavours and assistance I am enabled to give your Lordships the answers herewith enclosed, which I hope will be to your satisfaction, and it is a pleasure to me to assure your Lordships that with greatest carefullness our Assembly are ready to inform you in these and in every other thing that you may judge for H.M. interest. I am with greatest regards and sincere respects, your Lordships most obedient and very humble servt., *Signed, J. Talcot.* *Endorsed, Recd. 10th Nov. 1730, Read 31st March, 1731. 1 p. Enclosed,*

426. i. Governor and Assembly of Connecticut to the Council of Trade and Plantations. Hartford. Sept. 9, 1730. Answers to the Board's queries. (i-iii). Describe situation, boundaries and constitution. (iv) The trade of the Colony is but small. Horses and lumber are exported to the West Indies for sugar, salt, molasos and rum. What provisions we can spare and some small quantity of tarr and turpentine are sent to Boston, New York and Rhoad Island for Europian goods. List of shipping and tonage given. 37 sloops, 3 brigantines, 2 schooners, of 10 to 80 tons (total 1307). Two sloops more lately built in Harford one of 40, and the other of 90 tons just now loading for Bristol, to be sold with her cargo. Our seafareing men are only what is necessary to manage the shipping afore-said. There hath been no sencible addition or deminution for ten years last past, only that we have built considerable more in the ten years last past then heretofore tho' most of said shipping so lately built have been sold at ye Province of Boston, West Indies and to H.M. subjects of Great Brittain, Bristol etc. (v) Our inhabitants take (annually) all sorts of woolen cloths silks glass nails scythes pewter brass and fier arms of the Brittish manufacture. But we can't ascertain ye quantity. (vi) The trade which this Colony hath with any foreign Plantations is only as beforementioned and with no parts of Europe excepting a few voyages to Ireland with lumber and one or two that have of late built here made their voyage to Bristol there sold their shipp and cargo and brought their returns heither. (vii) The methods used to prevent illegall trade are the measures taken by the Colector placed at New London and his Deputy of Fairfield, where are allso Navall Officers under the strictest regulations which do at present prove effectuall, but there being many other convenient harbours along the sound many of which were allowed to be free ports, would render it difficult had we any considerable trade

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and now is a great hardshipp and an obstruction to ye little trade that we have all being obliged to putt in at New London to enter and clear, whereby fair winds and much time is lost. (viii) The produce of ye countrey is timber boards, all sorts of English graine Indian corn hemp and flax sheep cattell swine horse-kind and goats and tobacco. Our manufacturies are inconsiderable, our people being generally imployed in tanning and shoe makeing and other handicrafts others in building joyners work taylors smiths without which we could not subsist. (ix) There are some copper mines found amongst us which have not yet been very profitable to ye undertakers. Iron oar hath been found in sundry places and improved to good advantage. (x) The number of inhabitants of both sexes and all ages are computed to be 38,000. About 700 Indian and negro slaves. The inhabitants are much increas'd within this ten years last past, the reasons are first ye countrey is new and large, 2ly. ye intestate estates are or have been divided amongst all ye children which encourages them while in their father's family to joyn their united strength to clear and subdue the earth and thereby make room for their own settlement when they come of age. But the consumate and principal reason is the blessing of the Almighty on the fruit of our bodies and the fruit of our lands. (xi) The number of the Militia according to lists or muster-rolls of the Train bands, which consist of all from 16 to 55 years of age is 8,500. (xii) In time of war we have always had sundry forts on our frontiers to cover us from the insults of the french and Indians which yet have never been of any great service to us, the enimie coming in small parties surprize our people suddenly and then flee into the adjacent woods. We have had a fort at New London long since and severall peices of cannon, but are now building a new fort where are already mounted four cannon to secure that port and in a short time intend divers more shall be mounted. (xiii) The number of Indians amongst us are about 1600 of both sexes and all ages. They are inclined to hunting, idleness and excessive drinking. Some of their youth are now in a school at Mohegan set up and maintained by the English for that purpose and they give good evidence of their dosability (*sic*). (xiv) The Five Nations live about 250 miles westward of us, the Canada and Eastern Indians, 250 miles N.E., are our only neighbouring Indians *etc.* (xv) The French at Cannada are about 400 miles N. of us *etc.* (xvi) The Spaniards

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in S. America have of late years taken some vessels from this and sundry from the neighbouring Governments, the French at Canada have been very troublesome to this and the neighbouring Governments always incensing the Indians against the English supplying them with arms and ammunition, and joyning with them and making inroads, in time of warr they are of considerable strength and since they are settled on the River St. Lawrence and on Massasippa to ye mouth of it boast that in time they will drive us all into the sea. (xvii) The annuall revenues arising on rates and dutys is about 4000*l.* in our paper currency, of which about 1000*l.* is yearly laid out in maintaining free schools for the education of our children the remainder is for ye support of H.M. Government here, and to sink a heavy debt we contracted in the warr and our Expedition against Canada and Annapolis in the reign of Queen Anne. (xviii) Our civil establishments are (i) a Superiour Court consisting of one Chief Judge and four Assistant Judges. This Court sits twice in the year in each County, tries all high crimes and misdemeanours and civill actions that come to them by appeals from the Inferiour Courts. (ii) An Inferiour Court in each county consisting [of] one chief Judge and three or more Justices of the Quorum. These Courts have their Quarter Sessions for the tryall of delinquents and civill actions. (iii) In most of our towns is one or more Justices of ye Peace for the conservation of the Peace and tryall of small causes. (xix) The Militia is divided into five regements as many as there are countys, over which the chief Officer is at present Major, to each of which regements belongs a troop, the superiour Officers are appointed by the General Court, the Captins Lieutenants and Ensigns are chosen by the soldiers, approved by the Generall Assembly, all commissioned by the Governour in the name of our Lord the King. *Signed*, pr. order of His Honour the Governour and the Assembly, Hez. Wyllys, Secretry. *Endorsed as preceding.* 7 pp. [C.O. 5, 1268. ff. 1, 2-5v., 6v.]

Sept. 9.
Whitehall.

427. Order of Committee of Privy Council. Approving representation of 23rd July, except that they think the Governor of Carolina should be left at liberty to settle the Swiss Protestants in such place and manner as he shall judge most conducive to the interest and security of said Province, etc. The Council of Trade and Plantations are to lay the draught of Instructions before the Committee. *Set out*, A.P.C. III. No. 219. *Signed*,

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Temple Stanyan. *Endorsed*, Recd. 15th Sept., Read 15th Oct., 1730. 1 p. *Enclosed*,

427. i. Copy of Representation of 23rd July. [*C.O.* 5, 361. ff. 170, 171-172, 173v.]

Sept. 9.
Placentia.

428. Governor Osborn to the Duke of Newcastle. In obedience to H.M. commands, 22nd Jan., 1730, *etc.*, as soon as I arrived at St. Johns, I on 30th July assembled all H.M. subjects of that place together, and published His declaration for a cessation of hostilities and restitution of prizes to the King of Spain; and sent copies of H.M. orders to the principall magistrates in the other parts of this Island, with orders to publish the same *etc.* which I am since assured has been truely executed; and as upon the strictest enquiry, find the Spanish cruisers during the late warr never committed any depredations on this part of America, nor any prizes have been taken from them by H.M. subjects, I have nothing more to trouble your Grace with on that head. And as I am not thoroughly acquainted with the posture of affairs, relateing to the civill magistracy, *defers account thereof*. *Signed*, Hen. Osborn. *Endorsed*, R. Oct. 25th. 2 pp. [*C.O.* 194, 24. No. 17.]

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429. Memorial of loss and damage (145*l.* 17*s.* 6*d.* sterl.) sustained by Joseph Turner, master of the *Birch* galley of Bristol, and crew, taken and plundered by a Spanish sloop with commissions from the Governors of Florida and Havana, in her passage from Jamaica to Bristol, 19th May, 1730. *Endorsed*, Recd. (from Mr. H. Fane and Mr. (John) Crookshanks) 17th Sept., 1730. *Copies.* 4 $\frac{3}{4}$ pp. [*C.O.* 388, 92. No. 10.]

Sept. 10.
Portsmo.
Harbour.

430. Thomas Marwood to Mr. Popple. *Encloses* "the best acct. my son-in-law, Thos. Wells cann inform the Board" *etc.*, "relateing to the settlement Coll. Dunbar hath made at Pemaquid," as their Lordships desired. *Signed*, Tho. Marwood. *Endorsed*, Recd. 11th Sept., 1730, Read 15th June, 1731. $\frac{2}{3}$ pp. *Enclosed*,

430. i. Capt. Wells to Mr. Popple. On board the *Lyme* Portsmouth Harbour, 10th Sept., 1730. I here inclosed send you up a scatch of Peniquid, and the land that was cleared by Coll. Dunbar's orders the last winter, and spring: about 200 men were employed on that service, and maintained the whole time at the Colls. expence. Att the same time I cleared about ten acres having six men with me at my own expence, which place is within the blew lines, and that cleared at the Colls. expence is within the red lines, and in the five months that I was down there, I never saw or heard of anyone that came to make any demand, off the lands we were clearing, neither was there any

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house standing on the ground, nor had there been any rebuilt since it was taken by the French. The foart in most places was even with the ground, which the Coll. immediatly went to repair in the best maner he could, and built within rooms to hold the men that were at work, and their familys. He was also a building a wharfe at a great expence 170 foot in length 40 foot broad with an ell of 40 foot, they designing to have 15 foot water at the head of it at high water. I have also sent you an exact plan of the town *etc.* which I drew for Coll. Dunbar, he promising if the seatlement went on, each man that wold build a house in this design'd town, should have 30 foot in breadth, and an 100 foot in depth, and 100 acres of land, paying a gratuity to the King, and in the most convenient place near the town *etc.* When I came in Aprill, there was about 30 frames of houses brought ready to be erected, and more at worke upon. When I went downe the Coll. gave me an order to take care of the woods, which gave me an occasion of going up the rivers, and I do assure you that for 15 or 20 miles round there was not an house standing in the cuntrey, all that they had done was to erect milns in ye best wooded parts for cutting the timber, without any designe of scattling the place, nor had they any thoughts of it till the Collonell came, and I do really belive the Coll. has been at more expences than them alltogether, by what land I saw cleared when we first came down, and that that wch. had been cleared, was before the French took it by the information of several people, the nearest seatlement that I see was at Arowsick up Kennebeck River, where was about 4 or 5 houses which they call George Town. The foart of St. Georges is to the eastward of New Harbour *etc.* Signed, Thos. Wells. *Endorsed as preceding. Holograph. 2 pp.* [C.O. 217, 6. ff. 30, 31, 31v., 32v., 33v.]

[Sept. 10].

431. i. Plan of the Town of Pemaquid.

ii. Plan of the Town of Pemaquid with the land cleared. (*? Enclosures in preceding*). [C.O. M. P. G. 180, 181.]

Sept. 11.
Windsor
Castle.

432. Duke of Newcastle to the Council of Trade and Plantations. I send you herewith an extract of the last letter I have received from H.M. Ambassadors at the Court of France, *etc.* Summarized. Concludes:—It is H.M. pleasure that you forthwith prepare a draught of a proper order for this evacuation [*of Sta. Lucia, St. Vincents and Dominico,*] on the part of H.M. that it may be sent to the King's Ambassador at Paris, who

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will procure an order in the same tenour to be sent on the part of France. *Signed*, Holles Newcastle. *Copy*. 1 p. *Enclosed*,

432. i. Extract of a letter from Earl Waldegrave, Mr. Walpole and Mr. Poyntz to the Duke of Newcastle. Paris. Sept. ⁶/₁₇, 1730. We have been constant in reminding the Garde des Sceaux of the Order to be sent for evacuating the islands of St. Lucia, St. Vincent and Dominico, pursuant to the proposal made by this Court, and accepted by H.M. as mentioned in your letter of 26th March, of which we have twice put an extract into his hands. He assures us that there is no difficulty or delay intended in this affair, and that tho' the frequent removals of the Court, and the intervention of other business, had hindred them hitherto from concerting the proper order for this purpose, yet if such an order be drawn up on the part of England and transmitted hither, we may depend upon their sending one of the same tenour. *Copy*. $\frac{3}{4}$ p. [*C.O.* 253, 1. *Nos.* 57, 57 i.]

- [Sept. 13]. **433.** Sir A. Cuming to the Council of Trade and Plantations. It is the desire of the Chiefs of the Cherokee Nations here present that your Memorialist should give an answer to three of the Articles proposed to them by H.M., which they have purposely omitted to speak to, as knowing that their Crown, eagles tails and scalps of their enemies were intrusted to your Memorialist, and not to them, by their Emperor Moytoy of Tellico, and that they themselves their other Kings, Princes and beloved men of their Nation consented to the same, and that they should obey all your Memorialist's instructions. They came not to England in order to enter into any agreement for themselves, but they came at your Memorialist's desire as friends to him, and to be themselves an evidence of the truth, vizt., that they submitted themselves to H.M., and that your Memorialist required it of them. As your Memorialist was neither sent nor pretended to be sent by H.M. into their country, altho' he had H.M. leave of absence to travel where he pleased, and went among them as a friend; so the submission being made only to him, whom they saw and confided in, your Memorialist is not only answerable to H.M. for their obedience and good behaviour, but is likewise answerable to God and his own conscience for a due care of them. They have chose Memorialist for their Director, and if H.M. approves of it, he shall direct them for their own good and for H.M. service. *Endorsed*, Recd. 13th, Read 19th Sept., 1730. $\frac{3}{4}$ p. [*C.O.* 5, 361. *ff.* 166, 167v.]

- Sept. 14. **434.** Lt. Governor Gooch to the Council of Trade and Plantations. Having by the *Biddeford* man of war transmitted

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the journals and laws of the last session of Assembly, I depend so much on the safety of that conveyance, that I judge it needless to put your Lordships to so much charge as the postage for the duplicates must occasion, and have therefore inclosed a printed copy of the laws, which, with your Lordships leave, I hope will answer the end, and at the same time serve as a specimen of the product of our Press, where the whole body of the Laws of the Colony is to be printed for the publick service, and shall be sent to your Lordships as soon as it is finished. Since my last there have been discovered many meetings and consultations of the negroes in several parts of the country in order to obtain their freedom; whereupon great numbers of them have been taken up and examined, but no discovery made of any formed design of their rising, only some loose discourses that H.M. had sent orders for setting of them free as soon as they were Christians, and that these orders were suppressed, a notion generally entertained amongst them, but I have not been able to learn who was the first author of it. Whatever their designs were, or their purposes might have tended to, they have been fortunately prevented by the speedy appointment of partys of the Militia sent out to patrole, with orders to secure all the negroes found off their masters' plantations; and as a great many have been made prisoners, and under severe chastisement by whipping for rambling abroad; I am in hopes by keeping the Militia to their duty, to deter them from any such unlawful meetings, and to convince them that their best way is to rest contented with their condition. But this alarm has occasioned a good deal of fatigue to the Militia, and some loss in their crops, as happening at a time when their labour and industry were much wanted in their grounds, *etc.* We impatiently expect to hear of the favourable reception of our tobacco law at your Lordships' Board, for I am in hopes it will give new life to the trade of this country *etc.* P.S. Letter went home by the *Gooch* frigate *etc.* Signed, William Gooch. *Endorsed*, Recd., Read 14th May, 1731. *Holograph.* 1 p. [C.O. 5, 1322. ff. 158, 159v.]

Sept. $\frac{11}{25}$. **435.** Mr. Hintze to the Council of Trade and Plantations. *In reply to Aug. 11th, explains* that he was at great expense in going twice to Amsterdam to get the Board's Instructions printed there *etc.* The 120*l.* was only advanced out of the 20*s.* a day *etc.* *Continues* :—I have engaged notwithstanding above 450 families which will be ready to goe and settle in Nova Scotia in the beginning of next March. *Prays the Board* to consider his expence and how advantageous it will be to Nova Scotia to bring soe great a number of Protestants at one time and all in good circumstances, "for the last I sent away in the New England sloop I am convinced carryed 300*l.* ster. besides all necessaries" *etc.* Urges that the Board's Instructions may be

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sent to the Governors of New York and Pensilvania to insist on the 40s. a head on those that goe to settle there which will deter them from attempting it. *Signed*, Danl. Hintze. *Endorsed*, Reed. 22nd Sept., Read 6th Oct., 1730. *Addressed*. 2 pp. [C.O. 217, 5. ff. 220-221v.]

Sept. 15.
Antigua.

436. Lt. Governor Mathew to the Council of Trade and Plantations. Gives list of public papers of the Leeward Islands which he has sent to the several Agents, to be laid before the Board. *Signed*, Wm. Mathew. *Endorsed*, Reed. 10th Nov., Read 1st Dec., 1730. 2 pp. [C.O. 152, 18. ff. 143, 144.]

Sept. 15.
Windsor
Castle.

437. Duke of Newcastle to the Council of Trade and Plantations. *Encloses following*. *Continues* :—It is H.M. pleasure, that you forthwith prepare the draught of a proper order of evaevuation *etc.* *Signed*, Holles Newcastle. *Endorsed*, Reed. 15th, Read 24th, Sept. 1730. 1½ pp. *Enclosed*,

437. i. Duplicate of Sept. 11th, encl. i. 1 p. [C.O. 28, 21. ff. 72, 73, 75v.]

Sept. 15.
Boston.

438. Col. Dunbar, Surveyor of the Woods, to Mr. Popple. *Is going* to the new settlements, where he will remain till he hears from him. *Is at* present disabled from attending his duty in this Government, because Mr. Belcher has treated him in so extraordinary a manner, with incredible malice, and without provocation, except in revenge for what he wrote of him to England when it was first reported that he was appointed Governor. "It is said yt. my letters gave him some little trouble in London, and there he joyned with Mr. Waldo to do me all the ill offices they could. They found out that I had been somewhat concerned in the Corporation of the Mines Royal, and had endorsed some bills drawn by Mr. Kingsmill Eyre" *etc.* *Accuses* the Governor of plotting against him by means of these notes and an account with Mr. Atkinson, a Boston merchant, who had supplied the new settlements *etc.* The Governor has done nothing for the woods, but recommend their preservation to the General Courts. The setting out the 300,000 acres to be reserved for the Royal Navy before any grants be made, in Nova Scotia will take some years. Refers to Governor Philips' letter, received before he sent the two deputies as land surveyors thither and his reply. He had intended, in penetrating into the country by degrees, to reserve land bearing timber near water-carriage for H.M. use, for there are seldom any large tracts bearing such. But he will now await further orders on this point, as well as the Board's opinion on his request for a sloop and travelling charges. *Continues* :—I am this moment informed that the Shepseot proprietors are encouraged to go thither, and are going in great numbers and resolve to cutt down the mast swamp weh.

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I saved from them ye last winter ; how can I prevent a number thus resolved, or if I had force or assistants, how can I get to the place ? *etc.* If it should be H.M. pleasure not to confirm the claims, there will be a kind of warr between these pretended proprietors and those yt. will go to settle upon ye King's terms, for they will not quit ye possession they are now goeing to take, especially if that part of the country is to remain or be within this Government ; and if H.M. should allow the claims, I am very sure the country will never be settled by them *etc.* These proprietors, now encouraged, say openly that they will part with their heart's blood before they will give the King one farthing quit-rent, if this does not prove the sentimts. of the people of this Province until their wings are clipt, I am much mistaken, and it is no difficult matter to humble them effectually, and I am persuaded it will be thought full time to begin with them, they have now, Sept. 17, againe refused fixing the sallary 80 to 4 in the House of Representatives against it *etc.* They say if their Charter should be taken away they must have a Council and Assembly and they never will consent to tax themselves to fix a sallary, so that it is plain they are not to be treated like any other of H.M. subjects. I was allways of opinion that they never will be made sensible of their duty until under another form of Governmt., and 2 or 3 regts. among them, and as they would occasion this expence I think a reasonable method might be proposed to make this country pay it. I would first propose that as there is a custome house here and all the sallarys payd from home, the Parliament might lay a duty upon all rum and molasses and brown sugar imported into the Masachusetts Governmt. onely, and 10*l.* p.c. ad valorem upon all other goods imported, as in Ireland upon all things from England, even cloaths and wearing apparel, and they may deserve to be farther distinguished from H.M. better subjects in haveing some duty even upon salt imported for a few years, to make them the jest of their neighbours, and convince them how easily England could cramp them. At present all the Plantations have one advantage to the people in England, which is that there is a drawback allowed for all India and other goods exported, which pay a duty in Engld. and no duty is payd upon importing them in the Plantations, it does not seem unreasonable that either there should be no drawback, or pay a King's duty elsewhere. Some months agoe I gave my Lords Commissioners an acct. of the manufacturing iron here, and herewith I send the tools mentiond in my last, if by Act of Parliament all sea-coal was prohibited being imported into this country, and none to be water-carried, this would effectually stop all the slitting mills, nailerys and other works, wch. are now wrought with coals from Newcastle, and some brought from near ye French settlements in the bottom of ye bay of Fundy. As I was writing this Mr. Auchmuty, ye

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King's Advocate General, called to tell me that he was sent for by the Governour and Council, to give his opinion upon a most virulent case drawn up against five or six men for goeing on board a small seooner near Fredericks Fort and carrying her two leagues along shore, *etc.* They would fain make it piracy, but the Advocate laughs at it. I wish it may be sent to you, that My Lords may see what an inveteracy there is in these people agt. those at the New Settlement, who are over and over stigmatized with the name of Irish; the Advocate told me with concern that if I go to Fredericksfort the Governour and Council here will send a force to take it from me and bring me up a prisoner; I had this morning an opportunity of acquainting Collo. Philipps with it at Annapolis, and told him I apprehended it under his Governmt., and would obey any orders he would send thither. I have upon this occasion put into the Advocates hands H.M. Instructions to me, your last letter of 7th May, and the Representation from my Lords Commrs. of 14th May, 1729, in order to have his opinion how far I can resist such an attempt, at present I am resolved to try what they will doe and not be frighted or put off by words; if I could be justified in it, I am sure I could defend the place against this Governour and his best regiment; I am to have no notice of this intention against me, but to be surprized. I should think that they ought to caution me against goeing thither and give reasons for it, that I might not go thither. I intend not to meddle with any lands until I have farther instructions relateing to the claims *etc.* I send herewith one of the applications made to me immediately after my arrival here, onely to shew to my Lords how pressing people were with me to begin the new settlements *etc.* *Asks for* letters to be sent to him under cover to John Jekyl Esq., Collector, as they will come safer. *Signed*, David Dunbar. *Endorsed*, Reed. 19th Nov. 1730, Read 5th Jan. 1731. 8 $\frac{2}{3}$ pp. *Enclosed*,

438. i. Petition of Robert Boyes and David Cargill to Col. Dunbar. Boston, 1st Oct., 1729. On behalf of 150 families desiring, upon his encouragement, to go and settle about Pemaquid, pray that the lands surrounding the old Fort may be laid out for them. *Signed*, Robert Boyes, D. Cargill. *Endorsed*, Reed. 19th Nov., 1730. $\frac{1}{2}$ p.

438. ii. Extract of letter from Governor Philipps to Col. Dunbar. 2nd Jan., 1729. In relation to grants for private settlements, "my hands have been tyed from the beginning not to be loosed till the survey of the whole country be made, whereby 11 years of my Governmt. has been already baulked, and 7 more will be in all probability, before that can be finished," *etc.* *Continues* :—In the setting out those thousands of acres to be lay'd aside for the use of the Royal Navy,

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unless regard be had to the places and harbours that are most fitt for settlements, this country of Nova Scotia may remain a wilderness to the world's end *etc.* *Signed*, R. Philipps. *Copy.* 1 p.

438. iii. Col. Dunbar to Governor Philipps. Boston, 11th Feb., 1729 (30). Reply to preceeding. Hopes to wait on him in April. Quotes his Instructions, but does not think it was intended that the whole survey of the Province should be made previous to the making of any grants *etc.*, but that as the Surveyors see what is fit to be reserved, he might make grants of what was not fit *etc.*, *ut supra.* *Signed*, David Dunbar. *Endorsed as No. 1.* *Copy.* 2 pp.

438. iv. Col. Dunbar to Governor Belcher, 18th Aug., 1730. Since my being in this country I have met with much difficulty, opposition and affronts in ye execution of my duty according to H.M. Instructions to me, wch. have in publick Courts been exploded and sett at nought, but I hope now by your influence, and authority of your Commission to be freed from any such for ye future *etc.* Quotes from his Instructions, that he is to apply to Governors to endeavour to get acts passed for encouraging the encrease of naval stores *etc.*, and, as the late act of Parliament for the preservation of the woods is still defective, *suggests that* it may be remedied here. *Continues* :—In my severall progresses through the woods in the provinces of New Hampshire and Maine I found great numbers of white pine mast trees cutt into logs and saw'd into lumber, notwithstanding some of 'em had been seized by my Deputys, marked with ye Kings mark, and tryed and condem'd for H.M. use. If the owners of such mills could have been discover'd they wod. have been prosecuted for ye penaltys in ye act *etc.*, but neither my Deputys nor I could procure any information of the owners' names, but that mostly ye mills had several owners, each taking his turn to saw, and that any man that wod. draw logs thither might saw them leaveing a certain part for the owners *etc.* Among ye vast number of mast trees thus cutt into loggs I have observed many different marks upon ye logs to distinguish between ye owners. The difficulty in getting ye proof required in ye act of Parliament is insuperable, for tho' people are found in a mast swamp with axes in their hands, many trees cutt down, and even hearing them fall, yet ye Courts here do expect a proof for ye falling and cutting of each tree. I have had an instance of this in ye case of Ben Norris of New Hampshire now in prison at Portsmouth,

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who I could prosecute but for one tree, tho' there were several cutt down and there lying upon the ground, but he being seen only at work upon one tree I could prosecute him only for that, and even for that being convicted and the penalty decreed against him, he promised to pay it but instead thereof he made sham conveyances of his estate to defraud ye King and made it his election to go to prison. There is another abuse wch. merits consideration, an evidence for ye King was arrested at ye Court door with ye summons or citation in his pocket. I was obliged to pay the debt, or must have lost ye benefit of his evidence; in England any man with a subpoena or summons to any Courts is thereby protected going and directly returning home *etc.* *Requests him* to get acts passed to remove the said inconveniencies *etc.*, and particularly that saw-mills be registered and logs marked *etc.* and to issue his Proclamation for the observance of the last act *for the preservation of the woods*, with a notice by Dunbar recalling his declaration of 2nd Dec. giving liberty for cutting white pine trees not fit for the King's service, he having been reprimanded by the Board of Trade for granting that indulgence. Also, according to his Instructions, recommends to H.E. that acts be passed and encouragement given for raising hemp and other naval stores, for the management of which he has particular directions, and will give them to be printed when required. *Signed*, David Dunbar. *Endorsed*, Read 19th Nov., 1730. *Copy.* $4\frac{1}{2}$ pp.

438. v. Governor Belcher to Col. Dunbar. Boston, 20th Aug., 1730. *Reply* to preceding. Having just arrived and preparing to go o' Monday next for my other Government, puts me in great hurry, yet I should be glad to see you to-morrow morning, *etc.* No influence or authority of mine shall be wanting to protect and countenance you in your office *etc.* *Signed*, J. Belcher. *Copy.* $\frac{2}{3}$ p. [C.O. 5, 872. ff. 1-11v.]

Sept. 16. Windsor. **439.** H.M. Warrant appointing John Hammerton Receiver General of H.M. Revenues in Carolina, during pleasure, on security given. *Copy.* [C.O. 324, 49. ff. 76-78.]

Sept. 17. Windsor. **440.** Order of King in Council. Approving draughts of Instructions for Governor Johnson. *Signed*, Temple Stanyan. 1 p. *Enclosed*,

440. i. H.M. Instructions for Governor Johnson. Windsor, 17th Sept., 1730.

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440. ii. H.M. Instructions for Governor Johnson relating to Trade. *Same date.* [C.O. 5, 192. ff. 65-118, 121-148.]

Sept. 17.
Treasury
Chambers.

441. Mr. Leheup to Mr. Popple. In reply to his memorial, the Lords of the Treasury are of opinion that when any repairs are wanting to your office application must continue to be made here. *Signed,* Peter Leheup. *Endorsed,* Reed. 17th, Read 29th Sept., 1730. $\frac{2}{3}$ p. [C.O. 388, 79. No. 66.]

Sept. 17.
Windsor.

442. Francis Freelove to the Duke of Newcastle. *Refers to* letter of Sept. 5 under the name of Publicus, and is now ready to lay the scheme at his feet *etc.* *Signed,* Fran. Freelove. *Addressed.* 1 p. [C.O. 5, 4. No. 44.]

Sept. 17.
Windsor.

443. Order of King in Council. Approving draughts of Instructions to Governors and Col. Dunbar relating to H.M. granting to the informer his share of the penalties for destroying His woods *etc.* *Signed,* Temple Stanyan. *Endorsed,* Read 10th Nov., 1730. $1\frac{1}{4}$ pp. *Annexed,*

443. i. Additional Instructions as above. *Signed,* G. R. 26th Sept., 1730. [C.O. 323, 9. ff. 52, 52v., 53v.; and (without enclosure) 324, 36. pp. 235-238.]

Sept. 17.
Windsor.

444. Order of King in Council. Approving draughts of Instructions for Governor Johnson. *Signed and endorsed as preceding.* 1 p. [C.O. 5, 362. ff. 1, 6v.]

Sept. 19.
Jamaica,

445. Governor Hunter to the Council of Trade and Plantations. I have the honour to inform your Lordships that whilst I was at Port Antonio on the North side of this Island busied in fitting out the partys to distroy or dislodge the slaves in rebellion who have settled and been so troublesome in that nighbourhood. On the 31st of August I reced. advice from the Commander of Fort Charles at Port Royal that a Spanish ship of war of 54 guns call'd the *Genoesa* had stranded on Pedro shoals ten or twelve leagues to the South of this Island with great treasure on board with the President of Panama and several other prisoners of State, and that two Assiento snows with another vessel were immediately dispatcht thither to save what they could of the ships crew and others on board. I by the same express with the approbation of Rear Admiral Stewart who was on the spott sent to the Commander of the fort at Port Royal the orders of which the inclosed is a copy. I wrote also to Mr. Pratter Factor to the South Sea Company to acquaint him with these orders and to some other Gentlemen and the Secretary to desire that any of the Gentlemen of the Council who were at hand might repair to Port Royal to give their assistance in the securing in the best manner they could all

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such treasure or effects from on board that wreck, in case any such should be brought thither in my absence which would be but short, the Admiral resolving to go round with me as soon as he could gett his ship ready, the floods making it impossible for me to go by land. On Munday 14th of this month we arrived at Port Royal, on Wednesday I mett the Council at Spanish Town, I lay'd before them all orders and letters of correspondence relating to that wreck. They took time till next day to agree upon their advice upon the whole, of which your Lordships has also inclos'd a copy, one of their number, the Attorney General had as I had desir'd been with the Capt. of the Fort saw and read his orders and all other papers relating to that affair which were in his possession, and all or any of them might have done the same. As there is no treasure of any kind as yet lodg'd in the Fort and the Admiral having sent ships of war to guard the wreck and assist Don Guerall the Capt. of her in weighing or fishing up what they can of the Treasure on board of her, your Lordships may depend upon my doing whatsoever is in my power for his assistance or to prevent depredations or embazillments as he shall advise or require of me. I think it is also necessary that your Lordships be inform'd that upon the return of the Assiento snows with about 240 of the Spanish crew they were stopt at Port Royal till search'd by the Lord Muskery Capt. of one of H.M. ships in that harbour and then let pass. The President of Panama the Eserivan and about fourteen more being upon a raft it was by some means cut loose, went adrift and without a miracle they must be lost, having had no account of them since. This accident happen'd before the South Sea snows got to the wreck. The second Capt. of the *Genoesa* Don Francisco Lehays so soon as the ship struck upon the shoals was ordered in a boat with some of the crew to sound the depth of water but finding that it was impossible that the said ship could be sav'd steer'd their course for the land with those he had on board to the number of eighteen and on the 27th he landed to the westward of this Island at a place call'd Black River and was conducted to the chief Magistrate in those parts Col. Cambell to whom he apply'd for assistance and there being at that time a sloop commanded by one Ware lying at Black River the Col. consented she should go with the said Captain to the assistance of those who were left in the ship, but when they came to the wreck they found all the people had been taken off by the South Sea vessels and were gone from thence, but the sloop remain'd three days and fish'd up a great deal of treasure. The third day while they were at work upon her they spy'd H.M.S. *Experiment* whom Admiral Stewart had sent to guard the wreck from being rob'd and plunder'd. The said second Captain with some others came on board the *Experiment* that night and desir'd Captain Redish's aid and assistance with some provisions and men which

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he readily promis'd should be sent them in the morning early, but when daylight appear'd the sloop was gone. The *Experiment* follow'd her to the westward believing she had steer'd that course but not coming up with her and Capt. Redish finding the *Experiment* leaky and otherwise in a bad condition to keep the sea he return'd directly to Port Royal, upon which H.M. sloop *Tryall* was sent as a guard to the wreck, and since she sail'd we have had no further accounts. It is generally believ'd that this sloop is gone to Cuba and I am affraid before the *Tryall* could retch the wreck, other vessels may have been upon her a plundering, but of this no certain information as yet. *Signed*, Ro. Hunter. *Endorsed*, Reed. 9th, Read 26th Nov., 1730. $5\frac{1}{2}$ pp. *Enclosed*,

445. i. Governor Hunter's orders to Capt. Dalrymple to take into his custody all treasure *etc.* brought from the *Genoesa etc.* Port Antonio. 31st Aug. *Signed*, Ro. Hunter. *Endorsed*, Reed. 9th Nov., 1730. *Copy*. 3 pp.

445. ii. Opinion of the Council of Jamaica that as the Captain of the *Genoesa* has applied to the Assiento Factors and Admiral Stewart for aid in the matter of the treasure in the wreck, the Governor need not intermeddle further in that affair, until application be made to him. *Same endorsement*. *Copy*. 1 p. [C.O. 137, 18. ff. 120-122v., 123v.-126, 127v.]

Sept. 19.
Jamaica.

446. Governor Hunter to the Duke of Newcastle. Duplicate of preceding covering letter, *mutatis mutandis*. *Signed*, Ro. Hunter. *Endorsed* R. 9th Nov. $4\frac{3}{4}$ pp. *Enclosed*,

446. i., ii. Duplicates of preceding enclosures. [C.O. 137, 53. ff. 249-251, 252v.-253v., 255.]

Sept. 19.

447. Governor Hunter to Charles Delafaye. It is now almost three months since I have receiv'd any letters from his Grace or from you. *Repeats* story of the *Genoesa* as in preceding covering letter. *Signed*, Ro. Hunter. *Endorsed*, R. Nov. 15. *Duplicate*. $6\frac{1}{4}$ pp. [C.O. 137, 47. No. 17.]

Sept. 20.
Jamaica.

448. Memorial of loss sustained by William Pugsley of London and others, owners of the *Loyal* galley, W. Pugsley master, taken by a Spanish privateer in the Mediterranean on a voyage from Newfoundland, via London, with fish. *Signed and sworn by*, William Pugsley. *Endorsed*, Reed. 13th Nov., 1730. 2 pp. *Enclosed*,

448. i. Copy of bill of sale of *Loyal* galley to Wm. Pugsley, 26th April, 1715. 2 pp.

448. ii., iii. Memorial and estimate of loss by Wm. Pugsley. *Copies*. $3\frac{1}{2}$ pp. [C.O. 388, 92. Nos. 4, 4 i-iii.]

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Sept. 21. **449.** Col. Dunbar to Mr. Popple. *Encloses* "a deal box with the iron tools I formerly mentioned to you, and with them a long letter, partly giving an account of some malicious persecutions I lye under here; I have putt in the box the journals of one session of the General Court here, wch. if my Lords have not already seen, will be diverting, I have turned down two places in it for your first perusal; I believe ye Governour tells you how he has failed in getting the sallary fixed. Nobody here imagines he desires it, and believe he has a private instruction to dispense with the 27th Article. Others say he has actually undertaken at home to prevail with this people to fix the sallary, and think he will be suddainly superseded upon this disappointment, but one who is much with him tells me he will spin out three years in his Governmt. by promising that next years Assembly will comply." *Signed*, David Dunbar. *Endorsed*, Recd. 19th, Read 28th Oct., 1730. *Holograph*. 1½ pp. [C.O. 5, 871. ff. 191, 191v., 192v.]
- Sept. 21. **450.** H.M. Warrant for affixing the Great Seal to Windsor Commission the *Prince William* privateer, for seizing pirates Castle. in the seas of the Spanish West Indies. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 36. pp. 233, 234.]
- Sept. 22. **451.** Mr. Fane to the Council of Trade and Plantations. Has no objection to Act of Antigua, 1730, *for cutting of the intail of certain lands formerly of John Bradshaw decd., and settling the same upon Francis Delap etc.* *Signed*, Fran. Fane. *Endorsed*, Recd. 22nd Sept., Read 1st Dec., 1730. 1 p. [C.O. 152, 18. ff. 145, 146v.]
- Sept. 24. **452.** Council of Trade and Plantations to the Duke of Whitehall. Newcastle. *Enclose following. Autograph signatures.* 1 p. *Enclosed*,
452. i. Draught of H.M. Instruction to the Governor of Barbados. Whereas the French for some years past have pretended a claim to the Islands of Sta. Lucia, St. Vincents and Dominico under your Government, altho' We conceive We have an undoubted right thereto, and whereas it has been agreed between Us and the French Court, that until the right to these islands shall be determined, they shall be entirely evacuated by both Nations: It is Our will and pleasure and you are accordingly to signifie the same to such of Our subjects as shall be found inhabiting any of Our said islands, that they do forthwith quit the same until the right to these islands shall be determined as aforesaid; and that they do comply with this Our order in thirty days from the publication thereof in each of the said Islands respectively, under

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pain of Our highest displeasure. But it is Our will and pleasure that you do not execute this Our order, until the French Govr. of Martinique shall have received the like directions from the French Court, and shall jointly with you put the same in execution without any exception. And you are hereby further ordered to transmit to Us by the first opportunity a full account of your proceedings, as likewise of those of the French in this behalf, taking care by all opportunities to inform yourself, whether Our subjects, and those of the French King, do punctually comply with the true intent and meaning of this agreement until such time as the right to the said islands shall be absolutely determin'd as aforesaid. *Endorsed*, sent to Ld. Waldegrave, Sept. 28th, 1730. $1\frac{1}{2}$ pp. [C.O. 152, 40. Nos. 31, 31 i; and 29, 15. pp. 209-211.]

Sept. 25.
Windsor
Castle.

453. Circular letter from the Duke of Newcastle to Governors of H.M. Plantations. H.M. having received repeated complaints, that the trade of his subjects in the West Indies and elsewhere in America, suffers much damage and molestation from pyratrical vessels, especially from vessels fitted out from the Spanish Islands in the West Indies, notwithstanding the peace and friendship subsisting between the two Nations, and contrary to the Orders of the King of Spain, 25th April 1728, to cease all hostilities *etc.*, and of 14th Dec. 1729, to make restitution of all prizes taken since 22nd June, 1728 *etc.* (*v. Jan. 22 supra*), and notwithstanding the repeated applications that have from time to time been made to the Court of Spain for satisfaction for the losses and damages sustained by H.M. subjects from such pyratrical proceedings, and that effectual care might be taken to put a stop to them, and also notwithstanding the orders which have been given from time to time to the Commanders of H.M. ships stationed at the several Colonys of H.M. subjects, in the West Indies and elsewhere in America, to seize and bring in all pyratrical vessels or freebooters not lawfully commissioned, or that make depredations on the trade of H.M. subjects contrary to the Treatys, The said pyratrical practices of the Spaniards and others nevertheless still continuing, to the great damage of H.M. subjects; and as all vessels acting in such manner, in time of peace, are to be reputed no other than pirates, whether they cruize at sea without any commission, or having commissions do nevertheless spoyl and plunder the ships and goods of H.M. subjects, contrary to the Treatys, and there being great reasons to believe, that the said freebooters are chiefly upheld in their pyracies by the secret encouragement and protection which they meet with in many sea-port towns in the West Indies from whence they are fitted

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out for the sea, and to which places they retire with their booty, His Majty. being determined to use all possible means that may most effectually put a stop to such violences for the future and protect His subjects in their lawfull trade and navigation, has commanded me to signify to you His pleasure, that when any of His subjects following their lawful trade in the West Indies and elsewhere in America, shall be unjustly plundered or despoiled of their ships or goods by any persons of what Nation soever, the said sufferers do, by the first opportunity, give in the most authentick proof of the damages and losses they have sustained, upon oath, before the Judge of one of H.M. Vice-Admiralty Courts in the Plantations, which Judge, after due examination of the matter, is to deliver to the said sufferers, a declaratory sentence under his hand and the seal of the Court, setting forth the particular circumstances of the fact, when, where, and by whom committed, from what port the vessel or vessells that did the damage was or were fitted out, and to what port the ship or goods were carryed; and the value of the same, and that the whole has been duly proved upon oath before him, which sentence or a duplicate thereof is to be lodged in the hands of ye Governor of the Colony where such declaration is made; and if such sentence or duplicate shall in pursuance of this order happen to be lodged in your hands, and the Commander in Chief of H.M. ships in the West Indies, or any of the Captains of H.M. ships, shall then be in *your Island* [Island. Colony. H.M. Province under your Governmt. in Margin], or upon the arrival there of any of them you shall deliver unto him such declaration signed and sealed as aforesaid, who is thereupon to repair himself or send one or more of the ships under his command to the port where such ship or goods of H.M. subjects shall have been carryed in, or from whence such ship or ships or vessels was or were fitted out, in order to procure the immediate releasement of such of H.M. subjects as may have been taken, together with full restitution of the ship or goods so plundered or taken, or the value thereof, or else the delivering up to him or them of the persons and ships which committed the fact, or to make reprizals in such manner as is directed by the orders in that behalf to the said Commander in Chief and to the Captains of H.M. ships stationed in America. It is H.M. further pleasure that you give publick notice in the several ports of your Government, of such part of this order as concerns H.M. subjects whose ships or effects shall be thus pyratically taken that they may know where and in what manner to apply for redress; and that you send from time to time to one of H.M. principal Secretaries of State, an account of your proceedings in the execution of these orders. *Corrected draft.* 6 $\frac{1}{4}$ pp. [C.O. 137, 53. ff. 257-260; and 5, 4. No. 45.]

1730.
Sept. 25.
St. Johns,
Nfldand.

454. Governor Osborn to the Duke of Newcastle. I was in hopes upon my arrival in Newfdland to have had the honour of acquainting your Grace of the good effects produced by the measures I had taken last year to execute H.M. commands, and that a proper submission and respect had been paid to the orders I had given, and to the Magistrates I had appointed, but instead thereof, the Fishing Admirals and some of the rest of the Masters of the ships and traders in this Island, has rediculed the Justices of Peaces authority very much in my absence, and have used their utmost endeavours to lessen them in the eye of the lower sort of people, and in some parts have in a manner wrested their power from them. The Admirals have brought the power given them by the Fishing Act in competition with the Justices, and have not scrupled even to touch upon mine ; but how far these two powers interfere with humble submission I shall leave to your Grace's determination. All this discord proceeds from a jealousy the Admirals and the rest of the masters of ships have conceived (fomented by some troublesome ill desineing persons) that their privilliges granted them by the Act before mentioned are invaded by these Magistrates, which power the Admirals hardly ever could be brought to make use of (without it was justly to serve their own purposes) before, nor till they see these officers established ; and are now a doing all the little spiteful things they can against these men only because they bear this Commission, indeed I find by their will they would be sole rulers and have nobody to controule them in their arbeterry proceedings. I have expostulated with them in the best manner I was capable upon these affairs, but I think to no other purpose then to raise their indignation against me for being the Justices' abettors, indeed I cant charge the Justices with any arbeterry steps on account of the trust reposed in them ; rather their fault is the contrary, whereas the Admirals are guilty of many *etc.* *Refers to enclosed petitions.*
Continues :—Indeed these Commissions of the Peace are in general disliked by all the masters of the ships, and they are the chief people who have oposed most of the steps I have taken ; by which means and partly by the indifference of some of the Justices in their office, who think they suffer in the way of trade and gain the ill will of the people they deal with by doing their duty, and partly by the incapacity of others the Commissions of the Peace are but indifferently executed ; I have since my arrival apointed Majestrates in all those places which for want of time I had omitted last year *etc.* *Encloses* “schem of the order of disposition I have made therein, and make no doubt but by the measures your Grace may be pleased to recommend to H.M., and the protection and countenance your Grace will think proper to give these Majestrates for the future but yet they may be encouraged to do so farr their duty as thouroughly to answer H.M. intentions. The prison at St. Johns with the

1730.

Court house is in a manner finished, and in general, the people have very well complied with the raite that was laid upon them for building the same, and to prevent impositions of any kind on offenders I have caused the prison fees to be regulated by the Justices of Peace in such a manner as I thought was most agreeable to the place, and in regard to the inhabitants on the South parts of this coast who can reape but little advantage from this prison, by reason of the expence and lose of time they must be at in sending offenders so great a distance, I have upon a presentment made by the Justices of Peace, and principal traders at Ferryland, agreed to a raite proposed to be laid on the people in that district for building a prison in that place (*copy enclosed*) *etc.* I don't doubt but even the sight of these two prisons will in some measure checque many of these people in their evil courses of life. The state of the Fort and Garrison at Placentia is the only thing more I have to lay before your Grace " *etc.* *Refers to enclosed* reports and trusts to his Grace's justice in attributeing the situation of affairs to the principles of these people rather than to any want of endeavour on his part *etc.* *Signed*, Hen. Osborn. *Endorsed*, R. 23d. Nov. 5 $\frac{3}{4}$ pp. *Enclosed*,

454. i. Inhabitants of Ferryland to Governor Osborn. In pursuance of public meeting convened by him 14th Sept., 1730, to consider means to raise money for building a prison, *propose* a levy of 1/6 per head on servants, to be paid by masters; the prison to be built at Ferryland. 20 *signatures*. 1 $\frac{1}{4}$ pp.

454. ii. Division of Newfoundland into districts, with magistrates appointed therefor (*cf.* C.S.P.; Oct. 14, 1729). 1 p.

454. iii. State of the Garrison at Placentia. Absent, the Col. (Lt. Govr. Gledhill) Fort Major, Chaplain, Surgeon and Commissary, and five out of eight gunners. Of one Company of Foot, consisting of Captain, Lieut., Ensign, two serjeants, two corporals, one drum and 34 private men, there are present only Lt. John Hollingsworth, confined to his bed by age and infirmities: 2 serjeants, 2 corporals, one drum and 11 men.

The Parapet, chimneys, storehouse and palisade of the Fort are much decayed *etc.* *Signed*, Edwd. Hopley, Storekeeper. 2 pp.

454. iv. Messrs. Keen, Weston and Southmayd to Governor Osborn. We are like to meet with some obstructions in the due execution of our office as Justices. The Admirals, whose authority is limited by the Act to disputes concerning the Fishery, determine other matters, as criminal cases, and direct their warrants to the Constables to put their sentence in execution

1730.

and require our assistance to punish persons by virtue of their order *etc.* *Signed*, Wm. Keen, Wm. Weston, A. Southmayd. *Copy.* 1½ pp.

454. v. Messrs. Signac, Salmon and Buchanan, of Placentia, merchants, to Governor Osborn. *Similar complaint adding*, "The Admirals further appointed public houses which had no licences from us. They told us we were only Winter Justices and seem'd to doubt of your authority for appointing of Justices, and that their authority was by Act of Parliament, your Honour's only from the Prive Council." *Signed*, Pet. Signac, Tho. Buchanan, Tho. Salmon. *Copy.* ¾ p. [C.O. 194, 24. Nos. 18, 18 i-v.]

Sept. 25.
St. Johns,
Nfld.

455. Governor Osborn to Mr. Popple. *Refers to* letter of 8th Sept. from Placentia. Finds the sentiments and practices of the masters of ships and traders towards the Justices of Peace in the other parts of the island pretty much the same as there. *Continues* :—I have since appointed majestates in all those places I had omitted last year *etc.* *Transmits* for their Lordships' approbation a scheme of the disposition he has made therein throughout the island. *Continues* :—I make no doubt that from the measures their Lops. may be pleased to recommend for the future, and the countenance and protection they will think proper to give these majestates, but yet they may be incouraged to do so far their duty as thoroughly to answer H.M. intentions. The prison at St. Johns *etc. as preceding.* *Concludes* :—I shall trouble their Lordps. with nothing more from hence, but if anything material should happen, I shall do myself the honour to lay it before their Lops. on my arrival *etc.* *Signed*, Hen. Osborn. *Endorsed*, Reed. 4th, Read 12th Jan., 1731. *Holograph.* 3 pp. *Enclosed*,

455. i.-iii. Duplicates of preceding encl. i, ii, iv. *Endorsed*, Reed. 4th Jan. 1731. [C.O. 194, 9. ff. 36-37v., 39-40, 41, 42v., 43v., 44v.]

Sept. 26.
Oxford
att
St. Johns.

456. Commodore Lord Vere Beauclerk to Mr. Popple. *Encloses* answers to Heads of Enquiry. *Refers* the Board to Capt. Osborn's letter. *Continues* :—I am sorry they will find so few improvements. Indeed in one thing I have not been disapointed, which is the jealousy I apprehended the Admirals wou'd conceive against these new Officers, which I hop'd wou'd awake them and put them upon exerting themselves in their dutys, that effect it has had in some measure, but has att the same time created an enmity betwixt them, they not clearly understanding how far each of their powers extend, indeed my first proposal to their Lordships was only with a view to the winter season, when the Admirals shou'd be absent, but I was afterwards att a loss to know how far it might be right or lawfull

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to hinder Justices of the Peace appointed by virtue of H.M. Commission from acting, so I have only endeavoured to keep them and the Admirals quiett, without absolutely determining their several jurisdictions, *etc.* It is now absolutely necessary their Lordships shou'd decide it, if they intend to continue them, and that clear and positive Instructions how to settle it, shou'd be given to whoever shall be appointed to command here next year. I am sure Sir you will do me the justice to remember that I never imagin'd or propos'd that this Commission wou'd cure or remove all the grievances or obstructions relating to this trade, but only prevent its growing worse till their Lordship's leizure shou'd permitt them to think of an effectual method of putting a stop to the many wrong proceedings, whether it has had that effect I must submit to their Lordships, only hope they will overlook and forgive all faults in my conduct, and impute them to the real cause, want of capacity, not inclination or zeal to do better *etc.* *Signed, Vere Beauclerk. Endorsed, Recd. 2nd Nov., 1730, Read 12th Jan., 1731. Holograph. 4 pp. Enclosed,*

456. i. *Same* to the Council of Trade and Plantations. (a)

Having been so long and I apprehend, tedious in my answers last year, I shou'd not have thought of troubling your Lordship's again this year had it not been intimated to me that your Lordships expected it. I wish I cou'd with any truth say this is not an exact duplicate, that I cou'd assure your Lordship's of any present amendments or improvements, and not refer you to futurity for the hopes of better behaviour in the people concern'd in this trade. All I can venture to say is I hope they are not worse, and that some check tho' not an entire stop has been put to some irregularitys. had my power and capacity been as ample as my zeal, I shou'd not have doubted of meriting your Lordship's approbation *etc.* (b) *Replies to Heads of Enquiry relating to the Newfoundland Fishery.* Practically a duplicate of C.S.P., Oct. 14, 1729, encl. i, *q.v.* *Signed, Vere Beauclerk. 16 pp.*

456. ii. List of Justices and Constables appointed to administer justice for the 6 districts during the winter. 2 *pp.*

456. iii. Scheme of the Newfoundland Fishery for 1730. *Totals* :—Ships (including 58 from America) 269 ; burthen, 19,540 ; men belonging to them, 3755 ; passengers, 1648 ; boats, 980 ; by-boatmen, 1864 ; quintals of fish made, 249,260 ; do. carried to foreign markets, 242,450 and 621 tierces of salmon ; train-oil, 1311 tons ; prices of fish, 28 to 25 ryals ; salmon 45s. per tierce ; train-oil, 12*l.* to 14*l.* per ton. Seal oil, value 3562*l.* Fur taken by the inhabitants, 860*l.* (800*l.* at Bonavista). Stages, 925 ; train-fatts, 389.

1730.

456. iv. Planters and Inhabitants of Newfoundland in 1730. *Totals* :—Families, 322, 45 of which kept public houses. Land improved, 3 acres at Old Parlikin and 10 at Carbonier. Inhabitants, including masters, mistresses, children and servants 2702 (at St. Johns, Quidividi and Torbay, 252; Bay of Bulls and Petty Harbour, 394; Placentia, 95; St. Maries, 32; Trepassy, 114; Ferryland, 323; Bay de Verd, 142; Trinity Bay, 329; Bonavista, 411; Old Parlikin, 302; Carbonier 327). Remained in the country last winter, 2088. Births, since departure of last convoy, 47; deaths 92. [C.O. 194, 9. ff. 45-46v., 47v.-55v., 56v.-57, 58v.-60, 61v.]

Sept. 29.
Whitehall.

457. Council of Trade and Plantations to the Duke of Newcastle. *Enclose copy* of Governor Hunter's letter of 4th July. *Continue* :—Your Grace will perceive by it that the design conceiv'd by the Spaniards some time ago upon this island was not without very good foundation, the copies of two depositions which we likewise inclose are an evidence of this, and that the Spaniards had grounded their hopes of success upon the strength of the runaway negroes, who are now very numerous, and grown much more insolent upon their having lately defeated a considerable party sent out to reduce them. By the resolutions of the Assembly upon this subject, it would seem to us, that they have not been so anxious for the defence of their country as they should have been; and therefore considering the very great consequence this Island is of to the Trade of Great Britain, we must submit it to your Grace, whether it would not be for H.M. service, that some additional force should be sent thither without loss of time from the Leeward Islands or from whence the same may best be spared, to continue at Jamaica, until these rebellious and runaway negroes shall be intirely subdued. *Autograph signatures*. 1 $\frac{3}{4}$ pp. *Enclosed*,

457. i. Copy of Governor Hunter's letter, 4th July.

457. ii.-iv. Copies of depositions of John Tello, Capt. Quarrell, and of resolution of Committee of House, enclosed in preceding. [C.O. 137, 47. ff. 44, 44v., 46-49, 50, 50v., 52, 52v., 54; and (without enclosures) 138, 17. pp. 292, 293.]

Sept. 29.

458. Petty expenses of the Board of Trade from Midsummer to Michaelmas, 1730. (v. *Journal*). 6 pp. [C.O. 388, 79. Nos. 67-69.]

Sept. 30.

459. Receipt for papers (enumerated) received from Mr. Popple relating to claims for ships and cargoes seized by the Spaniards to be delivered to H.M. Commissaries at the Court of Spain. *Signed*, Jon. Crookshanks. [C.O. 388, 90. ff. 191-198v.]

1730.

Sept. 30. **460.** Council of Trade and Plantations to the Lords
Whitehall. Commissioners of H.M. Treasury. Request payment of Office
expenses and Officers' salaries for quarter ending Michaelmas.
Account annexed. [C.O. 389, 37. pp. 317, 318.]

Sept. 30. **461.** *Same* to the Lords Commissioners of H.M. Treasury.
Whitehall. Since our letter of the 8th instant *etc.*, we are inform'd your
Lordps. are of opinion that when any repairs are wanting in
this Office, application shou'd continue to be made to your
Lordps., we therefore take leave to inform you that the wooden
rails before our door, are no longer fit for service, and that the
frequent repairs made have been as chargeable as the prime
cost of iron rails wou'd have been. Your Lordps. will therefore
please to give your directions that they may be repair'd or new
ones put in their stead, as your Lordships shall think most
convenient. [C.O. 389, 37. pp. 319, 320.]

Sept. 30. **462.** Mr. Popple to Mr. Fane. Encloses, for his opinion
Whitehall. in point of law, 24 acts of Virginia, passed in 1729 (*enumerated*)
and requests return of the three Pennsylvania acts passed in
1727 upon which he has reported. [C.O. 5, 1366. pp. 48-54.]

Sept. 30. **463.** Sir A. Cuning to Mr. Popple. There is one of the
London. Indian Chiefs who desires to stay with me, and he being no
party to the Articles of agreement I know not how to refuse him
least the others should think that I am dissatisfyed with what
has been done, although I have assured them that I am entirely
pleased with their conduct and the kind reception they have
met with from your Honourable Board. *Signed*, Alexr. Cuning.
Enclosed, Reed., Read 30th Sept., 1730. 1 p. [C.O. 5, 361.
ff. 168, 169v.]

Sept. 30. **463A.** Mr. Popple to Sir A. Cuning. The Board is of opinion
Whitehall. the Indians should return with Col. Johnson *etc.* [C.O. 5, 401.
p. 1.]

Sept. 30. **464.** Council of Trade and Plantations to the Duke of
Whitehall. Newcastle. Have had two meetings with the Cherokee Indians
etc. Continue :—We have made them certain proposals to
which we have received their answer and full consent ; this
being the usual manner of treating with the Indian nations in
America. *Enclose copies*. Your Grace will observe that there
is a full acknowledgment in this agreement, of their subjection
to H.M., and altho' our proposals and our answers are in an
uncommon style, it is such as is best understood by them, and
is the same which is always made use of upon the like occasion.
As the said Indians seem fully satisfied both with the said
agreement, and with the treatment they have met with since
their arrival in England, we have reason to hope, the small
expençe H.M. has been at, upon this occasion, is well laid out
for His service ; and for the interest of His people in Carolina.
Autograph signatures. 1 $\frac{3}{4}$ pp. *Enclosed*,

1730.

464. i. Articles of Friendship and Commerce proposed by the Lords Commissioners for Trade and Plantations, to the Deputies of the Cherokee Nation by H.M. Order, 7th Sept., 1730. Whereas you Scayagusta Oukah, Chief of the town of Tassettsa;—you Scalilosken Ketagusta;—you Tethtowe;—you Clogoittah;—you Colannah;—you Oucounacou;—have been deputed by Moytoy of Telliko, with the consent and approbation of the whole nation of the Cherokee Indians, at a general meeting at Nikossen 3rd April, 1730, to attend Sir Alexander Cuming Bart. to Great Britain, where you have seen the great King George, at whose feet the said Sr. Alexander Cuming, by express authority for that purpose from the said Moytoy and all the Cherokee people, has laid the Crown of your Nation, with the scalps of your enemies and feathers of glory, at H.M. feet, in token of your obedience. Now the King of Great Britain, bearing love in his heart to the powerfull and great nation of the Cherokee Indians, his good children and subjects, H.M. has impowered us to treat with you here *etc.* *Continue* :—Hear then the words of the Great King whom you have seen *etc.* The English everywhere on all sides of the great mountains and lakes are his people and his children whom he loves; their friends are his friends, and their enemies are his enemies; He takes it kindly that the great nation of Cherokees have sent you hither a great way, to brighten the chain of friendship between him and them *etc.*; the chain of friendship between him and the Cherokees Indians, is like the sun, which both shines here and also upon the great mountains where they live and equally warms the hearts of the Indians and of the English; as there are no spots or blackness in the sun, so is there not any rust or foulness in this chain; and as the Great King has fastened one end of it to his own breast, he desires you will carry the other end of the chain and fasten it well to the breast of Moytoy of Telliko, and to the breasts of your old wise men, your Capts. and all your people never more to be broken or made loose. And hereupon we give two pieces of blue cloth. The great King and the Cherokee Indians being thus fastned together by the chain of friendship, he has ordered his people and children the English in Carolina, to trade with the Indians and to furnish them with all manner of goods that they want, and to make haste to build houses, and to plant corn from Charles Town towards the Town of the Cherokees, behind the great Mountains, for he desires that the Indians and

1730.

the English may live together as the children of one family, whereof the Great King is a kind and loving Father ; and as the King has given his land on both sides of the great mountains to his own children the English, so he now gives to the Cherokee Indians the privilege of living where they please ; and hereupon we give one peice of red cloth. The great nation of Cherokees being now the children of the Great King of Great Britain, and he their Father, the Cherokees must treat the English as brethren of the same family, and must be always ready, at the Governor's command, to fight against any nation, whether they be white men or Indians, who shall dare to molest or hurt the English ; and hereupon we give twenty guns. The nation of Cherokees shall on their part take care to keep the trading path clean, and that there be no blood in the path where the English white men tread, even tho they should be accompany'd by any other people with whom the Cherokees are at war ; whereupon we give 400 weight of gunpowder. That the Cherokees shall not suffer their people to trade with the white men of any other nation but the English, nor permit white men of any other nation to build any forts, cabins, or plant corn amongst them, or near to any of the Indian towns, or upon the lands wch. belong to the Great King ; and if any such attempt shall be made you must acquaint the English Governor therewith and do whatever he directs, in order to maintain and defend the Great King's right to the country of Carolina ; whereupon we give 500 pounds weight of swan shott and 500 pounds weight of bullets. That if any negroe slaves shall run away into the woods from their English masters, the Cherokee Indians shall endeavour to apprehend them, and either bring them back to the plantation from whence they run away, or to the Governor, and for every negroe so brought back, the Indian who brings him back shall receive a gun and a match coat ; whereupon we give a box of vermillion, 10,000 gun flints and six dozen of hatchets. That if by any accidental misfortune it should happen that an Englishman should kill an Indian, the King or great Man of the Cherokees shall first complain to the English Governor, and the man who did it shall be punished by the English laws as if he had kill'd an English man, and in like manner if an Indian kills an English man, the Indian who did it, shall be delivered up to the Governor, and be punished by the same English law, as if he was an English man ; whereupon we give twelve dozen of spring knives, four dozen of

1730.

brass kettles and ten dozen of belts. You are to understand all that we have now said to be the words of the Great King, whom you have seen, and as a token that his heart is open and true to his children and subjects the Cherokees and to all their people, he gives his hand in this Belt, which he desires may be kept and shewn to all your people, and to their children, and children's children, to confirm what is now spoken, and to bind this agreement of peace and friendship betwixt the English and the Cherokees, as long as the mountains and rivers shall last, or the sun shine; whereupon we give this Belt of Wampum. *Copy.* 6 $\frac{3}{4}$ pp.

464. ii. Answer of the Indian Chiefs of the Cherokee Nation, 9th Sept., 1730, to the Propositions made to them in behalf of H.M. by the Board of Trade, 7th Sept. "We are come hither from a dark mountainous place, where nothing but darkness is to be found; but are now in a place where there is light. There was a person in our country with us, he gave us a yellow token of warlike honour, that is left with Moytoy of Telliko; and as warriors, we received it; He came to us like a warrior from you, a man he was, his talk was upright, and the token he left preserves his memory amongst us. We look upon you as if the Great King George was present; and we love you, as representing the Great King, and shall dye in the same way of thinking. The Crown of our Nation is different from that which the Great King George wears, and from that which we saw in the Tower; But to us it is all one, and the chain of friendship shall be carried to our people. We look upon the Great King George as the Sun, and as our Father, and upon ourselves as his children; For tho' we are red and you white, yet our hands and hearts are join'd together. When we shall have acquainted our people with what we have seen, our children from generation to generation will always remember it. In war we shall always be as one with you; the Great King George's enemies shall be our enemies; his people and ours shall be always one, and dye together. We came hither naked and poor, as the worm out of the earth, but you have everything; and we that have nothing must love you, and can never break the chain of friendship that is between us. Here stands the Governor of Carolina whom we know; this small rope which we shew you, is all we have to bind our slaves with, and may be broken; but you have iron chains for yours; However, if we catch your slaves, we shall bind them as well as we can, and deliver them

1730.

to our friends again, and have no pay for it. We have looked round for the person that was in our country, he is not here, however We must say, that he talked uprightly to us, and we shall never forget him. Your white people may very safely build houses near us, we shall hurt nothing that belongs to them, for we are the children of one Father the Great King, and shall live and dye together." Then laying down his feathers upon the table, he added ; This is our way of talking, which is the same to us, as your letters in the book are to you ; and to you, beloved men, we deliver these Feathers, in confirmation of all we have said, and of our agreement to your Articles."

Memd. That in further proof of their agreement, they did afterwards sign the Articles which had been proposed to them by the Lords Commissioners for Trade and Plantations. *Copy.* 2½ pp. [C.O. 5, 4. Nos. 46, 46i, ii.; and (covering letter only) 5, 401. pp. 2, 3.]

Oct. 1.
Jamaica.

465. Governor Hunter to the Council of Trade and Plantations. Has sent duplicates and now sends triplicate of letter of 18th Sept. *Continues* :—I have since received information that the sloop commanded by one Neal Walker and which was fitted out before my arrival from Port Antonio by order of the South Sea Factors here, in order to go and search for the President of Panama and other State prisoners who were cut loose upon a raft and drove away from the Spanish wreck, did instead of following the orders given them go directly to the said wreck and fish up a great deal of money and treasure from the same, and afterwards have shar'd and divided the same among themselves in a private and clandestine manner, and having also reced. information that from the time the *Experiment* Capt. Redish left the wreck untill the time the *Tryall* Capt. Laws got there to guard her, there had been other vessels in a clandestine manner fishing upon her, and that part of the treasure had been landed in remote parts and there conceal'd and secreted ; all which informations I immediately communicated to the Council, and with their advice issu'd a proclamation for the apprehending all such persons and securing what treasure they may have brought from the wreck in order that the strictest justice in my power may be done to His Catholick Majesty and those interes'd in that ship. Admiral Stewart having sent the *Tryall* and *Experiment* a second time to guard the wreck and assist Don Guerall the Captain of her in fishing up and saving what treasure they could, I am to inform your Lordships that the *Tryall* return'd two days ago with Don Guerall having fish'd up and brought from the said wreck a good deal of treasure *etc.* *Encloses account of particulars* transmitted to him by Admiral Stewart, who has taken the same into his custody *etc.*

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So soon as Don Guerall is recover'd from his present indisposition, he intends to send the *Tryall* again with him to the wreck, having in the mean time order'd the *Experiment* to remain at the wreck to prevent any more roberys. *Signed*, Ro. Hunter. *Endorsed*, Recd. 4th, Read 12th Jan., 1731. 2½ pp. *Enclosed*,

465. i. Proclamation by Governor Hunter, St. Jago de la Vega, the 26th Sept., 1730, for the arrest of persons who have been taking treasure from the Spanish man of war *Genoese*, wrecked on the Point Pedro shoals *etc.* *Signed*, Ro. Hunter. *Endorsed*, Recd. 4th Jan., 1730-31. *Copy*. 2 pp.

465. ii. Account of the treasure brought from the wreck (*Genoese*) on board H.M.S. *Tryall*. [C.O. 137, 19. ff. 1-3v., 4v.-5v.]

Oct. 1.
Jamaica.

466. Governor Hunter to the Duke of Newcastle. Duplicate of preceding covering letter, *mutatis mutandis*. *Signed*, Ro. Hunter. *Endorsed*, R. 2nd Jan. 2¾ pp. *Enclosed*,

466. i. Triplicate of letter of Sept. 19th (*dated* 18th).

466. ii., iii. Duplicates of preceding enclosures. [C.O. 137, 53. ff. 261-265, 267, 268, 268v.]

Oct. 1.
Windsor
Castle.

467. H.M. Commission appointing Thomas Broughton Lt. Governor of South Carolina. *Countersigned*, Holles Newcastle. *Copy*. [C.O. 324, 36. pp. 239, 240; and 324, 49, p. 64; and 324, 50. pp. 88, 89.]

Oct. 3.
Antigua.

468. Lt. General Mathew to the Council of Trade and Plantations. Encloses duplicates of last letter, and sends to Mr. Yeamans to be presented to the Board an act of Montserrat for naturalizing John Lindesay, a duplicate of the last Antigua tax act, an act for payment for slaves executed for treasons, murders or felonys, minutes of Council of Antigua, 26th Jan., to 11 June, 1730, and duplicate of the Minutes of Montserrat Council from 24th Jan., to 2nd June, 1730. *Continues* :—Mr. Dunbar, Surveyor General of H.M. Customs has drawn up a state of the English Sugar Colonys, with respect to the trade of the Northern Colonys Surinam and the French Islands and has made therein his observations on the vast increase of strength among our neighbours, the disadvantages the English sugar planters now labour under, and the fatal dangers they are exposed to, on a rupture with France, and he proposes remedies for these evils. This he desires I will lay before your Lordships, praying your consideration of it, and that you will recommend it to His Majesty and His Ministry *etc.* I therefore enclose it herewith, and find it answers several of the enquiries I was called upon for answers to *etc.* *Signed*, William Mathew. *Endorsed*, Recd. 8th March, 1731, Read 25th July, 1733. *Holograph*. 1¾ pp. *Enclosed*,

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468. i. The Present State of the British Sugar Colonys in South America and of the Trade of the Northern Colonys on the Continent to and from the French Sugar Islands and Surinam considered. [*? By Mr. Dunbar. v. preceding*]. In regard to the welfare of the Brittish Colonys and consequently of the revenue of Great Britain, and its manufactures, I have been at some small pains in searching out the fatal causes, of the declining condition of those colonys, which with the greatest concern, I have beheld gradually decay whilst our neighbours the Dutch and French have improved and advanced their sugar settlements, to the flourishing state they are now visibly in *etc.* (i) Trade between the Northern Colonies and the Dutch settlements in Surinam. *Statement of case similar to that of Representation of Antigua. C.S.P. Nov. 17, 1731. Continues* :—(ii) By the 5th and 6th Articles of the Treaty of Peace and Neutrality, 1686 *etc.* (which would be more effectually observed, if it were provided that some share of the seizure should be to the informer and captor, whereas the whole now goes to the King) all British and French vessells are mutually prohibited from approaching each others settlements *etc.* Our Northern traders, to evade the force of that Treaty *etc.*, procure qualifications from Cape Breton, and pass thereunder as French bottoms *etc.*, and so furnish the French Sugar Colonys with lumber, provisions *etc.*, or obtain permissions from the French General of Martinique to considerable numbers of New England vessells, annually to load in the French islands melasses (a commodity there of very little value) for the Northern Colonys. (iii) Thus do our Northern traders carry on a considerable trade with the Dutch and French settlements in South America, from whence in return they export melass, and other commoditys of the product of those settlements, and likewise great quantitys of commoditys of the product and manufacture of Europe, which trade in general tho very advantageous to themselves, as well as the French and Dutch Settlements, yet is most injurious and destructive to the British Sugar Colonys, the manufactures of Great Britain, its revenue, and the fair trader *etc.* By a computation I have made from the Books of Customs of Antigua, about 10,000 hhds. of rum appears to be annually made in that island, containing one million of gallons or thereabouts, and which at a moderate price may yield one year with with another about 16*d.* per gall., or 66,666*l.* 13*s.* 4*d.* But if the Northern trade of exporting from the French

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and Dutch settlements melass (a commodity improvable and distilled into rum in the Northern Colonys) be continued, it would unavoidably reduce the price at least $\frac{1}{6}$ th or $\frac{1}{4}$ th to 12*d.* or 13*d.* per gall., so that there would be sunk in Antigua annually 16,66*l.* 13*s.* 4*d.*; and a similar amount in Nevis, St. Christophers and Montserat, who now are improving much in distilling, and in Barbados, so long and well settled and improved in distilling and all other branches of Plantation affairs, 20,000*l.* *etc.* So that Barbados and the Leeward Islands will be injured in the price of their rum, by this destructive trade at least annually 53,333*l.* 6*s.* 8*d.* *etc.* The encouragement the Northern traders receive by the sale of their lumber, provisions, horses *etc.* to the French and Dutch, which the improvement of their Plantations want as much as ours do, enhances the prices thereof in our Sugar Colonys at least $\frac{1}{3}$ or $\frac{1}{4}$, and as these supplies are the most considerable incidents in the annual expence of their plantations (negroes excepted), without which they cannot be carried on *etc.*, computes loss to Barbados at 20,000*l.* annually and to the Leeward Islands 30,000*l.* *etc.* At the same time the French and Dutch Settlements vend their melass which they would otherwise lose, for to still it into rum is not worth their while. They expend but little in their Colonys, and to send it into France would not pay the freight, having their own brandys there. Nor could Surinam as a Sugar Colony subsist without the horses from New England, nor the French as a Sugar Colony in their islands without New England lumber, such as staves, hoops and beading especially, consequently little sugar could be made among them, at least not in the vast quantities that at present glut the European marketts and render our own sugars vendible only in Great Britain and Ireland, and from the supplies they have from Ireland directly of beef and other provisions they chiefly support themselves in Martenica and Guadaloupe, without which 'twould be impossible to subsist the vast numbers they are now encreased to and daily increasing whence must be apprehended the imminent unavoidable and fatal loss of these islands in case of a warr *etc.* If they got such supplies from anywhere else, their sugar making and subsisting would be too expensive to allow their underselling the English at the European marketts *etc.*, and thus London would become the sugar mart of Europe, an advantage the value of which cannot but be thought immense, even to Great Britain as

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well as to the Sugar Colonys, and from wants of such supplies of provisions in the French Islands, their numbers of men of lowest degree (that nursery of pirates and privateers) must disperse to Canada or elsewhere, where provisions may be had for them, and thus remove in a great measure the irresistible power the Sugar Leeward Islands (most especially) are on the first breaking out of a new warr with France, exposed to. The evils attending this pernicious trade do not rest and fall on the Sugar Colonys only, but even touch senciibly the trade and manufactures as well as the revenue of Great Britain *etc.* [*for*] all manner of European goods are extreamly cheap in the French and Dutch settlements, *etc.*, and as the officers of the Customs are stationed at considerable distances on the main of America, it is impracticable to prevent the clandestine importation thereof pernicious to Great Britain and its revenue, and manifestly tending to the discouragemt. of the trade and manufactures of that Kingdom especially seeing that any person permitted to trade in the French and Dutch settlements are allowed to buy and ship off what European goods and manufactures they please. This supply of European commoditys to the Northern Plantations from the French and Dutch is in return for the lumber and horses they are thus permitted to carry to Surinam and the French Islands, and would fail them, and force them to take these supplies from Great Britain, if their trade thither was wholly restrained, and for this purpose, almost the same shipping would be employ'd *etc.* (iv) I come now to consider the fatal consequences the Irish supplies to the French Sugar Settlements by way of France and directly from Ireland are of to the British Sugar Colonys. *Results similar* to those arising from supplies from Northern Colonies *etc.* *Continues* :—But another great evil is the weakning the Kingdom from whence the very trade itself proceeds. This already has been made pretty clearly appear from the numbers, and many familys that have been already obliged to desert that Kingdom, where that trade has thrust all industry and husbandry out of doors, such as plowing, sowing, reaping, thrashing *etc.*, and reduced the poorer sort to perishing, for want of bread, insomuch that even the Protestants, and many of them gray-headed in their old age, have been obliged to abandon their native country, from whence it can be no idle conjecture, to conclude that that Kingdom must be very much depopulated, and may be rendred in case

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of any foreign invasion or unnatural rupture in Great Britain, very defenceless, if not timely prevented by encouraging such as remain, to follow their wonted husbandry *etc.* *Remedies proposed.* (i) That the export of horses, lumber and provisions from the Northern Colonys, to the Dutch and French Settlements, as well as the importation of melass and rum from thence into the said Colonys, be absolutely prohibited, for that the very small or rather pretended advantages our navigation reaps therefrom, is so very inconsiderable, that it does not counterballance $\frac{1}{20}$ th part of the loss sustained by sinking the dutys on the European goods in Great Britain and the injurys the British Sugar Islands thereby suffer *etc.* (ii) As there is no law that prohibits the importation of commoditys of the product of foreign settlements into our northern and southern colonys (when in free bottoms), or which subjects them to the payment of any duty, therefore as the product of the British sugar colonys pay both the $4\frac{1}{2}$ p.c. duty, and the enumerated duty, I humbly conceive that dutys at least equivalent to those of our own, ought to be imposed on the product of the French and Dutch Settlements when imported into our British Colonys in America, then trade would be upon a more equal footing in those parts *etc.*, but still the importation of foreign melasses and rum ought to be intirely prohibited, and as the trade of exporting from the French and Dutch Settlements, commoditys of their product to our Northern Colonys is most discouraging and pernicious, to the British Sugar Islands in general, nothing can so effectually prevent the continuance of the bad effects thereof to those islands, as the imposing high dutys on such foreign product when carried into our Northern Colonys, and small dutys, if imported into our Southern, since our own produce pay two considerable dutys vizt. the $4\frac{1}{2}$ p.c. duty when shipd to Great Britain, and both the $4\frac{1}{2}$ p.c. and enumerated dutys when shipd to our Northern Settlements in America. I apprehend an objection may naturally arise to prohibiting melass *etc.*, that it will put the French and Dutch Colonys under the necessity of improving it themselves *etc.* But Nants and Provencal brandy is so very cheap in the French and Dutch colonys, and withall esteemed a better spirit, that it is not worth their pains and expence to improve their melass into rum *etc.* Besides, the policy and wisdom of the French Government will never allow any of the produce of its colonys to interfere with the mother-kingdom, and as distilling of brandys

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employs a vast number of hands, and is a considerable article of the produce of France, it cannot be feared that the improvement of their melasses will at all hurt us, and either a prohibition, or a high duty on foreign rum, in the British Dominions and Colonys, will effectually suppress any ill effects, that can attend either the French, or Dutch, attempting to improve melasses into rum. As I apprehend that proposing a prohibition in generall on the importation of the product of foreign settlements (tho' of the same kind with our own) either in the Northern or Southern Colonys in America might probably be lookt upon as destructive to trade, navigation and the revenue, (tho' it was not so at the making of the Treaty of 1686) I therefore would propose the continuance of the importation of such species, on payment of certain dutys, rather than a total prohibition of them, if that most valuable advantage to the Sugar Colonys, of a total prohibition cannot be obtained. *Submits a scheme of proposed dutys on imports from foreign settlements into the Sugar and Northern Colonies, equivalent to the $4\frac{1}{2}$ p.c. and enumerated duties on the produce of British colonies.* *Continues* :—I will not pretend that Jamaica will be equally benefitted with Barbadoes and the Leeward Islands, because the nature of its soil produces more and better sugar, and less melass and rum *etc.*, but the expence of lumber and provisions annually consumed in that island will come cheaper *etc.* It may be ask'd, why the product of foreign settlements should pay higher dutys in the Northern, than in the Southern Colonys *etc.* Such commoditys when imported into the Southern Colonys, are generally (except melass and rum) reship't from thence to Great Britain, but when imported into the Northern Colonys, they are consumed by the inhabitants there, or ship'd to foreign marketts. In the first of which cases the British dutys come to be answered and paid and the Navigation at the same time greatly assisted and encouraged. But in the latter those dutys are intirely lost, and the Navigation of Great Britain likewise very much discouraged and impair'd. (iii) Lastly, to compleat the recovery of the British Sugar Colonys from their present languishing condition, as well as to provide in some measure for the safety of our Leeward Islands, by discouraging the vast increase of inhabitants, in Martenica and Guardaloupe, of which a judgment may be formed from their overflowing into the English, or neutral islands of Sta. Lucia and Dominica, on the first of which are not fewer than 400 men, and on the

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latter 300, all within four or five years, gone thither to settle, all well armed, and all French, not a mixt rabble of vagabonds, but mostly with their familys, and tho' these extendings of the French are hid, under the pretext of their having no Governours, or settled Government there, is it hard to conceive how easily and how suddenly officers may be commissioned, and sent to command them, and make good their present possessions, of these islands? I apprehend *etc.* there will appear an absolute necessity to propose that the exportation of beef and other provisions from Ireland to France and the French Colonys be intirely prohibited, a matter of the greatest importanee and consequence to the British Sugar Colonys in general, as well as to Great Britain and its manufactures in particular *etc.* Without our constant supply of provisions, the French settlements could not subsist *etc.*, and our Sugar Colonys must thereupon flourish, and be encouraged to make and sell their product better, and cheaper, than either of our now powerfull rivals the French or Dutch could, and in a few years be capable of producing not only vastly more annual species, but allso consume considerable quantitys more of British manufactures, than they have ever yet done, besides which the trade to Affrica in a great measure depending on the prosperity of our Sugar Colonys, will be hereby considerably augmented, and our Sugar Islands better slav'd, none of which (Barbadoes excepted) being yet much above half supplied with negros, the manufactures and revenue of Great Britain and its Colonys will be improved and encreased. To which advantages may be added, that in a few years it is more than probable, that our French neighbours would be obliged to abandon their Windward settlements, and Great Britain consequently become allmost sole master of the sugar trade, without any expensive expeditions gain such a vast branch of rich commerce. But it may be objected, that if the French should be obliged to desert their Windward settlements, on acct. of the decay of their product there, they will remove to Hispaniola, a much larger island, part of which being already settled by them, they will become still more considerable and formidable, in that island, than they were in their Windward settlements. To which I answer, that it is not possible for any of the Sugar Settlements in America to be improved and carried on effectually without the assistance of Irish provisions, as well as lumber from our Northern Colonys, which being once prohibited

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to be carry'd to the French settlements, will effectually prevent their ever being considerable even at Hispaniola. It's true at present there are vast numbers of wild cattle in that large island which may be thought sufficient to supply the want of provisions from other parts. But it is found by experience that the present advantages thereof, will not continue or be sufficient, especially if their settlements be enlarged *etc.*, the wild cattle will be reduced partly by slaughter and partly by labour, and after a few years 'tis very probable that island would be as Jamaica and Barbadoes, as well as our Leeward Islands are, under the necessity of having constant annual supplies of Irish provision, without which none of them can subsist, neither indeed can they without the great supplies of lumber from the northward *etc.* Both our and the French settlements were in their infancy over-run, and spread with wild cattle. But soon after they became settled the superabundance thereof decreased, and now they are such chargeable articles in the incidents of our Plantation charges that one yoke of working cattle is worth from 30*l.* to 40*l.* in Barbadoes, and the Leeward Islands, to which may be added that slaughtering of cattle in the West Indies is impracticable, so as to save or preserve them, it being found that they will not keep, but taint and decay very suddenly, besides there would be a necessity of thinning that island of these wild cattle, that proper quantities of land, might be set apart for cultivation by the hoe, and planting of canes *etc.*, and that they should ever prove formidable or powerfull against us cannot be reasonably supposed, if we do but deny them our own supplies of Irish and Northern provisions *etc.* *Continues* :—None can well pretend to be hurt by this prohibition, but the Irish grazier, and French sugar planter, or perhaps, our Northern trader. And can the Irish grazier expect to be cherished at the expence of dispeopling his nation, banishing and ruining numbers of families of husbandmen there, or can he or the northern trade reasonably expect to be permitted to enjoy any branch of trade advantageous to themselves only and the foreign settlements, but most destructive and ruinous to the British Sugar Colonys, as well as most injurious to Great Britain. Surely no. *Suggests that* the Government might make an allowance for the Irish graziers until the great wilds of pasture can be improved by the plough *etc.*, whilst the Northern Colonies should be encouraged to produce Naval Stores *etc.*, with the usual arguments in favour

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of that policy. *Computes* the profits of the Northern Colonies in supplying lumber to the Dutch and French at not more than 2000*l.* current per annum, as against the 100,000*l.* damage done annually to the English Colonies. This and the employment of shipping for this purpose need not be lost, if they will further pursue with these commodities the Portugal, Spanish and Italian trades. *Continues* :—I own they lose by not importing the melass they get so cheap among foreigners, but that trade is so contraband, or ought so to be, that I need urge no more on it *etc.* *Proposes*, as a further help to the Sugar Colonys, that they may be allowed to transport their improved clayed sugars directly to the Streights *etc.* By this means we might dispose of large quantitys in Spain, at Leghorn and other parts of Italy *etc.*, and to Turkey, which would help to pay the ballance of the currans, raisons and other fruits, we have from thence. Their new improvement of trade, prejudicial to none except only to the French Sugar Colonys, would enable us to enlarge our sugar plantations, and not only to vye with the French in foreign marketts, but in time to undersell and exelude them, as wee formerly did the Portuguese in their produce from Brazil, the like indulgence being granted by the French King some years past to his subjects *etc.* Likewise the Northern Colonys may be permitted to carry naval stores and lumber into the Mediterranean, but obliged to return to the respective ports they belong to, by way of Great Britain under proper clearanees *etc.*

Refers to Mr. Gee's similar proposal in his treatise *On the Trade and Navigation of Great Britain etc.* *Endorsed as covering letter.* 8½ closely written pp. [C.O. 152, 19. ff. 158, 159, 159v., 163–167, 168v.]

Oct. 6. **469.** Mr. Leheup to Mr. Popple. Mr. Walpole has received certain advices from Barbadoes that Thomas Maycock, one of the Council, *is dead etc.* *Requests* that John Ashley, Depty. Audr., may be recommended to succeed him, "agreable to the Minute entered in his behalf." *Signed*, Peter Leheup. *Endorsed*, Reed., Read 6th Oct., 1730. 1 p. [C.O. 28, 21. ff. 78, 79v.]

Oct. 6. **470.** Mr. Popple to Mr. Walpole. Encloses copy of Govr. Whitehall. Worsley's letter, "wherein he makes some objections to the appointment of Mr. Ashley, of the Council of Barbados; if you think, his objections are of no weight, my Lords intend to propose Mr. Ashley according to their former resolution; You will therefore please to favour me with your answer" *etc.* [C.O. 29, 15. p. 211.]

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471. Mr. Fane to the Council of Trade and Plantations. In obedience to commands of 4th June (*q.v.*), has considered an act of S. Carolina *for the better settleing of the Courts of Justice*, 1726, part of which act which alters the first process in civil actions from a summons to a *capias* the merchants represent to be lyable to many inconveniences both with regard to the method of proceeding and the expence of it. For they say by reason of the frequent absence of the inhabitants in their trade with the Indians and the distance they live from Charles Town, it will be almost impossible to bring a defendant into Court but by leaving a summons at the place of his abode. And they say the expence upon this alteration from a summons to a *capias* will be greatly encreased *etc.* In our law process a summons is always supposed to be made in the first instance and therefore I can have no objection to the instituting in this case the summons instead of the *capias* supposing it is the least expensive way of proceeding and the most speedy to obtain justice. But I must submit it to your Lordships' consideration in what manner this can be altered, for this is a clause in an act, the other parts of which the merchants very much approve off, and therefore are unwilling to have it repealed. Whether your Lordships would think it of that consequence to recommend it to the Governor to endeavour to get it amended by a subsequent act. *Signed*, Fran. Fane. *Endorsed*, Recd. 4th Nov. 1730, Read 24th March, 1730^r. 1½ pp. [*C.O.* 5, 362. *ff.* 13, 13v., 16v.]

Oct. 6.
Boston.

472. Col. Dunbar to Mr. Popple. Since my last of the 15th of September such very extraordinary proceedings have happend here that I thought there was an absolute necessity to send home the bearer my brother *etc.* to represent matters to my Lords Commissioners *etc.* with copys of all my letters *etc.* I am very uneasy until I hear ye issue of the armed force sent by this Governmt. to break up the settlement at Fredericksfort, that place can defend itself against a thousand men without cannon, and if any violence be offered to the people, I dread the consequences. I told Governour Belcher soe, but his proceedings were so private that I knew nothing of it until the vessel and men in armes were sent away *etc.* P.S. *Encloses* "votes of the General Court to shew their continued opposition to the King's instruction for fixing a sallary on the Governour." *Endorsed*, Recd. 8th, Read 10th Nov., 1730. *Holograph*. 1¾ pp. [*C.O.* 5, 871. *ff.* 222, 222v., 232v.]

Oct. 7
ten o'clock*
Wednesday
morning.

473. *Same* to Jeremiah Dunbar. Just now Captain Woodside who commands ye Fort on Saco River came to me, and told me he came directly from the Lieutenant Governour, who ordered him to repair to his post, for that he and the 4 Boston Members were ordered as a Committee to go in the

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Province sloop to take a view of the fortifications ; that the Province sloop was fitting out for them and 5 guns put on board ; the Leit. Governour said in Capt. Woodsides hearing, that they were goeing to take possession of their own Governmt. againe, and that as he came from St. Georges he wd. call in at Pemaquid ; One of those who are named to go in the sloop (for they are all chosen) told Woodsides that this view of ye Fortifications is onely a pretence to take Fredericksfort, and to use the people ill ; What can I do in this case ? when I am commanded by my Lords Commrs. for Trade to avoyd any dispute with these people ; their Lordships say nothing of any part of that country being under this Governmt., and ye disputes relate onely to the private property of ye lands, weh. was not determined by H.M. ; if I was settled at Penobscot or beyond it, I am ordered upon any occasion to apply to Governour Philips, as being under his Governmt., and so is all the lands as far as Kennebeck, as I was instructed at the Board of Trade, notwithstanding weh. Mr. Belcher and this people claim all as far as St. Croix. In this case I know not what to doe, I have noe power or comission to make resistance, and these people know my orders not to have any dispute wth. them, which they impudently construe to be from the fears the Ministry have to disoblige them ; I never had a stronger inclination in all my life than to go immediately down to Fredericksfort, and if I doe I must either be affronted or come to blows with a people who are as ripe for rebellion as their ancestors in 41, if this does not prove so I will submit to be hanged *etc.* *Intends to consult the King's Advocate and Attorney General etc.* He only desires an authority, without any assistance but the new settlers to defend himself *etc.* *Requests* his brother to communicate this to the Secretary of State and Lords of Trade to express an imediate answer ; ships often arrive there in January. *Concludes* :—C. Woodsides tells me that the story about seizing ye schooner was done on purpose to get a pretence of quarrelling, for yt. she was ordered to bring away staves and timber cutt by the people of Fredericksfort, and to quit the vessel if any one claiming the staves should go on board *etc.* *Signed*, David Dunbar. *Endorsed*, Recd. (from Mr. Jer. Dunbar), Read 11th Nov., 1730. 2½ pp. [C.O. 5, 871. ff. 224–225v. ; and 217, 38. No. 26.]

Oct. 7.
Boston.

474. Governor Belcher to the Council of Trade and Plantations. *Refers to letter of 24th Aug.* *Continues* :—Since which I have been at New Hampshire and publisht H.M. Commission there, and convened the General Assembly, who in about 10 days went thro' such affairs as were most necessary for H.M. service and the good of that Province. They have more especially settled a salary on me, pursuant to H.M. Instruction, and in a much handsomer and more dutyfull manner then they did it on my predecessor. I have order'd the Clerk of the Council to

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transmit me the several Acts past at this short session, which I shall cover to your Lordships pr. the next conveyance. Agreeable to my last I met the General Assembly of this Province the 9th of last month from which time they are sitting to this day, and have got thoro' the most material affairs that lay before them, except their compliance with H.M. 27 Instruction for settling a salary on me and my successors which I have prest on them in the strongest terms, in support of H.M. honour and the better to secure the dependance of this Province on the mother Kingdom and altho' it is a season of the year when their private affairs call for their being at their several homes, yet I shall keep them sitting till they give a conclusive answer to this grand article and am glad to tell yr. Lordships that I have a prospect of their making a dutyfull and reasonable return to the proposal in the Instruction, altho' they should not come up to the full terms of the close of it, yet nothing shall be wanting in me to bring 'em as farr as possible, For I am resolved to discharge myself with the greatest fidelity to H.M. in the most strict and inviolable observance of my Commission and Instructions. I believe this session may end in about 10 days when I shall do myself the honour to transmit to yr. Lordships every thing that may relate to it; I now remain with great esteem and respect etc. *Signed*, J. Belcher. *Endorsed*, Recd., Read 11th Nov., 1730. 1 $\frac{3}{4}$ pp. [C.O. 5, 871. ff. 226, 226v., 227v.]

- Oct. 7. **475.** Memorial of loss sustained by James Mills, late Carpenter of the ship *Dolphin*, bound from Barbados to London, and captured off Barbados by a Spanish privateer, 10th June, 1728. *Signed and sworn by*, James Mills. *Endorsed*, Recd. 26th Oct., 1730. 1 $\frac{2}{3}$ pp. *Enclosed*,
 475. i. Account of loss referred to in preceding. 1 p. [C.O. 388, 92. Nos. 3, 3.i.]

- Oct. 7. **476.** Mr. Popple to Mr. Hintze. *Reply to Sept. 14th.* The
 Whitehall. 120*l.* was an allowance for 4 months, in which time it was always expected the service might have been finished etc. *Continues* :— As their Lordships have not hitherto received any satisfactory account of your proceeding in this matter, they can by no means think of recommending you to the Treasury for any further allowance, until it shall appear to them by authentick certificates from the Governor of Nova Scotia that considerable numbers of foreign Protestants have been induced by you to land and settle there. [C.O. 218, 2. pp. 219, 220.]

- Oct. 8. **477.** Mr. Delafaye to Mr. Popple. *Calls attention* to the
 Windsor Castle. defenceless condition of Jamaica, which Governor Hunter imputes in great measure to the number of Irish papists residing there. *Suggests* that, "in addition to the measures which by H.M. great goodness to that Colony, are now taking for their

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security," the Act to *prevent dangers that may arise from disguised as well as declared Papists* may now be passed *etc.* Signed Ch. Delafaye. *Endorsed*, Recd. 9th, Read 13th Oct., 1730. 1 $\frac{3}{4}$ pp. [C.O. 137, 18. ff. 108, 108v., 109v.]

Oct. 8.
Whitehall.

478. Council of Trade and Plantations to the Duke of Newcastle. Since our last letter (*Sept. 29th etc.*, Our Secretary has received a paper from a correspondent which probably contains a more perfect and judicious account of the present disorders in *Jamaica*, than may yet have come to your Grace's hands. In the mean time we cannot help expressing our satisfaction at the resolution we understand H.M. has taken of sending two Regiments from Gibraltar to Jamaica, as they are very much wanted there, we doubt not but your Grace will be pleased to obtain H.M. speedy order for their dispatch thither. [C.O. 138, 17. pp. 293, 294 ; and (*with paper enclosed*) 137, 47. ff. 56, 57-60.]

Oct. 8.
Portmo.
N. England.

479. Lt. Governor Wentworth to the Council of Trade and Plantations. *Begins with* duplicate of April 2nd. *Continues* :— Governor Belcher is arrived, and has been in this Province *etc.*, and we have settled the sallary of 200*l.* sterling or 600*l.* pr. annum of this currancy during his administration, and don by the same intrest that Govr. Burnets was. That gentleman found that the laboureing here lay upon the Lieut. Governour, that is the expensive part, for that the Governour resides in Boston, and only comes once or twice a year, and staves a week or ten dayes some times more, receives his sallary, and then to Boston, so that the burthen is verrey heavey, on me that serves for nothing. Now Govr. Burnet allowed me 200*l.* of this currancy out of his 600*l.* to help me along for all the other perqui[s]ites is a very small matter, it is very discouraging still to spend upon my owne estate, which I have don for this thirteen years past, that I have had the honour to serve the Crown as Lt. Governour, and this I have don willingly and cherfully still in hopes that something will be don for me, and that your Lordships will be pleased to recomend me so as that I may not allways feed upon my selfe untill I have consumed my little substance. We have had some considerable spoyle made on the fine trees since Collo. Dunbar's officers came to the country, but I can't impute that to any neglect of thers, I think they have been very dilligent *etc.*, but charge it on some vile fellows that neither fear God nor honour the King, but sculk into the woods and there cutt and destroy for two or three dayes and then draw of again. There have been some of the vile fellows taken and have and are suffering the penalties of the law *etc.* *Will do everything to help Col. Dunbar etc.* Signed, Jno. Wentworth. *Endorsed*, Recd. 14th Dec., 1730, Read 10th Feb., 1730^o. *Holograph.* 1 $\frac{3}{4}$ pp. [C.O. 5, 872. ff. 14, 14v., 15v.]

1730.

Oct. 11.
N. Providence.

480. Governor Rogers to Charles Delafaye. *Acknowledges* "kind and friendly letter" of 20th Dec., which he answered by the same conveyance. *Continues*:—Mr. Bonnet (v. 3rd Sept.) has been gone about three weeks on his third trip to Hispaniola and will stop at some part of Cuba as they return *etc.* I have done him all the service in my power *etc.*; he has been at my table as one of my family these eight mo. *etc.* I am extremely concerned that I have been obliged to stay so long before I could send the Acts of Assembly and other papers which now go to His Grace *etc.* Others will be added with the duplicate of his letter by next conveyance *etc.* *Begs him* to read his tedious letter to the Duke of Newcastle *etc.* *Entreats* his good offices if needful, "since I doubt some clamour is, or will be raised at home, by what I have heard lately from Carolina. Mr. Phenny carried his spouse with him hence, and did not part with me on such good terms as he ought in honour, for by his own intreaties and earnest request I undertook to keep his wife on the island that she should not follow him to Great Britain, where he had (as he assured me and I was well informed from severall others) sufficient evidence to prove all that is expected at Doctors Commons for a divorce" *etc.* *Continues*:—This I came into, beleiving it became a man of honour to serve an abused man *etc.*, and for some time he held his integrity *etc.*, but he could not hold it and relented too soon *etc.*, and they are gone from Carolina to London, where I doubt not she will be as noisy and troublesome as she can and he will underhand sett her on, as he has too frequently *etc.* Mr. Eden, Sir Charles Wager's Secretary, is my Agent and I have sent him some few examples of Mr. Phenny and his spouse's conduct here, scarce to be equal'd elsewhere *etc.* This comes by Capt. Bankes who brought me hither *etc.* Has desired him to wait upon Mr. Delafaye *etc.* *Concludes*:—I beg you'll be pleased to make my duty acceptable to my Lord Townshend and humble service to his Excellency Horatio Walpole to whom I can't write till next conveyance to own their great favours *etc.* *Postscript, in his own hand, to duplicate.* Sr. The above I hope has been delivered to you. This comes as far as So. Carolina by Mr. Bonnet who is to forward it thence and whether he will not soon follow to do some businesse for me in England I han't yet determin'd. A ship will sayle directly from this place for London in about ten days by whome I shall write you very particularly. I beg you'l pardon this hasty scrawle and allow me to be always Sir Yr. most humble most oblig'd and obedt. servt., *Signed,* Woodes Rogers. 3½ pp. *Enclosed,*

480. i. Minutes of Council of the Bahama I, 25th Aug., 1729—15th June, 1730. 26 pp. [C.O. 23, 14. ff. 118–130v., 135–136v.; and (duplicate dated Oct. 12) 23, 14. ff. 143–144.]

1730.

Oct. 11.
New
Providence.

481. Governor Rogers to the Duke of Newcastle. Duplicate of following letter to Council of Trade. *Signed*, Woodes Rogers. *Endorsed*, Rd. Feb. 18. 5½ pp. *Enclosed*,

481. i. Duplicate of following enclosure i. 2¾ pp. [C.O. 23, 14. ff. 137-139v., 140v.-142.]

Oct. [11.]
New
Providence.

482. Governor Rogers to the Council of Trade and Plantations. *Acknowledges* letter of 24th Oct. *Continues* :— I am under much concern that the Acts of Assembly could not be forwarded till now, having been disappointed of two ships successively, which I depended would have sailed for England several months ago *etc.*, and I could not think it safe to forward them via North America knowing miscarriages frequently has attended letters that way *etc.* This is the first opportunity directly for Great Britain since 15th Nov. And as there is nothing enacted for my private interest nor I hope contrary to the laws of England, having taken such precedents as we could find from Jamaica, Barbadoes, and other American Colonies as near as the circumstances of this Government would admitt of. I hope the delay will not offend your Lordships, nor have any ill consequences. I depend we shall have conveyances more frequent for the future *etc.* *Will send* duplicates by a vessel sailing in a months time. *Repeats* titles of acts passed (v. C.S.P. 12th Nov. 1729). *Continues* :—I found the place so very poor and thin of inhabitants that I never mentioned any salary to them for myself or any one else and the fees annexed to all offices and places here being the lowest of any part in America no one can support himself thereon without some other employment. All the money that was raised for the first six months amounted to no more than Ps. 8/8 418. 1. and this year will be expired in January next when I am afraid all we shall raise will not exceed Ps. 8/8 1000., little or none of which shall be issued out of the Treasurer's hands till the Assembly meets, because I hope to prevail on them that almost the whole money be applied towards the fortifications which are in great want of it. Your Lordships will perceive by the enclosed remarks in what a wretched condition I found the fort, and the absolute necessity there was for my being at that great expence I have been at to provide a barrack for shelter and conveniencies for the garrison to preserve the people in health and keep arms and stores dry, and by the acct. transmitted to England I expected to have found the fort in a quite different posture, which made the Assembly when they considered the mean condition of the fortifications desire to have Mr. Phenny called to account how he had disposed of the money which had been raised for the publick service, and by what authority he had levied the same knowing by what appeared that there could be very little of it expended for the service of the garrison and they applied to me for my consent that he should be obliged

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to reimburse here what was illegally raised and received by him of the publick money whilst he was Governor, which I would not consent to but then they insisted I should take security from him for 1200*l.* sterling, the sum that he had received, until H.M. pleasure be farther known, which I consented to, and hope it will be transmitted me from your Lordships Board, and if anything is represented to my prejudice, I beg leave for time to reply before any impression can be made to my disadvantage which from what I have been informed since Capt. Phenney and spouse left Carolina I may expect will be attempted, tho' I have acted here as much in his favour as I could without being censured for partiality, and I shall not trouble your Lordships any farther on this head unless I am obliged to explain myself to shew how I have behaved towards him as becomes a man of honour and an honest man. Your Lordships' queries came to my hands by way of Carolina in August when I was not in a condition to answer them, and having but just recovered out of that illness and this vessel on sailing I intreat you'l be pleased to excuse my not doing it till the next conveyance. As yet we have made little progress in new improvements but since the act passed to encourage the raising of cotton, more has been planted this year than was for some years past and more and larger vessels are building than has been this ten years at once there being now seven on the stocks and three more will be soon set up, having the best timber for building in any part of America and hope it will be a great encouragement to the settlement. We have since I arrived in the island two plantations began raising canes for sugar works and one rum work. Planting indigo would soon answer very well, but none yet follows it. One of the best employmts. the inhabitants have had of late is saving mahogany and Madera plank to ship for Europe. Salt may be raked in March, April and May enough to supply our American Fisheries and all our Northern Colonies had we sufficient inhabitants that would employ slaves and be industrious themselves. The people here promised me to go in a body of about 200 men including slaves the last salt season, but very few of them proceeded, tho' I was at the charge of providing a new snow of six carriage and swivel guns for a guard ship to lye there, and did send one fitted to protect those who went to Exuma our chief salt pond, to prevent the Spaniards surprising them as they often had done yet there was but few went and not above 18,000 bushels of salt was got in the whole when they might have raked ten times as much. The people of these islands have been so long accustomed to neglect the salt seasons, that I am afraid I shan't get half so many as are able to go the next season and except they are stirred up little or nothing will be done but raising a small stock of provisions and waiting till they are almost naked in expectation of wrecks, they were poor and backward enough to labour the last

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time I had this Government, but now much worse, tho' I hope the new inhabitants will shew them examples of industry. We are increased since I arrived 50 men, 65 women, 46 children and 55 negroes, and had our lands proved so fit for sugar works as it is believed from the reports of the old inhabitants, we should have people from St. Christophers and other places enough to fill the island, and I am sorry to acquaint your Lordships that the land on this island is good but in few places and mostly in little patches and more rocky in the middle of the country and generally worse for planting than that which appears at the water side, which has deceived me in the accounts I credited formerly of what I could not see till now. We have search'd to find land for inhabitants who wanted to come from St. Christophers to make large sugar works here, and they could not find sufficient quantities at any one place. But Cat Island all people in general agree is much the best of the Bahama Islands having large valleys of fine land and plenty of water, yet till I have seen it I shall not report from the hearsay of any in these parts, tho' the people who have been here from St. Christophers and who have viewed Cat Island assure me that they and many families who have no land would immediately come from St. Christophers to settle Cat Island with negroes sufficient to set up a sugar works and entreat me to begin a settlement, which I cannot encourage without Instructions, it requiring fortifications to be made there which wou'd very much hinder this place and I apprehend will not be attempted before we are well settled here. There will be a great many people going from Bermuda, St. Christophers, Barbadoes and the Virgin Islands and since they do move thence I believe there is no part where they can be of more service to our country than amongst these islands were they industrious people, and if those islands will be lessend in the numbers of inhabitants 'tis better they should come to an English Colony than go to the French and Dutch as some have already and more will if no encouragement can be given them here or at Carolina and Pennsylvania where many familys have gone already and more are going from Bermuda and the Carribee Islands especially from Bermuda which is so full of people and has so little land that they can't be supported there. The militia were almost in as bad a condition as the garrison having very few small arms ready that were serviceable, but they are now filled up and tollerably provided for service and I have supplied them out of the King's stores with what amunition and little necessarys they wanted to keep by them to make the militia as usefull as possible. They are as before divided into three companys and now about seventy men one company with another fit to bear arms when they are all at home, but we have seldom above 150 on the island at one time besides the garrison and commonly less, sometimes we cant get together above 100 white men of the

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inhabitants to bear arms, being continually coming and going in small boats and vessels belonging to the island and are all obliged to come to, and go from the harbour and clear at the fort every trip, tho' the inhabitants are spread from east to west almost the length of the whole island on the north side for 24 miles and upwards. We have now but 26 guns mounted in Fort Nassau which are as many as need be till the ramparts are in a better condition to support them. I brought 32 new carriages from home for present service, but as Europe timber will not last, I prevail'd with the Office of Ordnance to allow me as much iron work and other stores as would make new ones here of this country timber and to contribute towards the platforms and storehouses or whatever buildings should be found necessary for the publick service expecting the iron work of the large carriages my predecessor brought out of England with him would lye here ready for me but I was surprized at the disappointment, and depend your Lordships will think it justice for him to allow me a hundred pounds as he has towards making new carriages and putting the fortifications in repair, since he has sold this iron to that value, and left no carriages fit for service and the place in a worse state of defence than it was above eight years agoe. I hope to have 50 guns mounted by the spring of the year and were the inhabitants able I would begin a work on the top of the hill to defend that which commands the fort, but I have neither strength to do it nor money to support the charge and hearing it is and will be a Peace I shall wait till we are more capable to go thro' with it, tho' I hope about 800 or 1000*l.* would go a great way in doing what would very much strengthen the place as we have guns and ammunition and other stores sufficient by us and the inhabitants will do all they can towards it and as soon as the Assembly meets which will be in about a month or six weeks we will make the best estimate we can of the expence that is absolutely necessary for the whole fortifications and what part the country can and will contribute themselves, and by your Lordships' patronage that we may render the harbour of such service as the situation is capable of, tho' this island cannot be so much of it converted to sugar works as it was expected, yet the situation and consequence of a settlement here if it can be supported in a warr with our neighbours will be of great consequence and in a peace would be a receptacle for pirates was it quitted, and if any other Power should possess it, they could annoy and distress our trade to America as much as we may that of our neighbours in the Gulph of Florida, Windward Passage Coast of Cuba Bay of Mexico and all the valuable parts on this side of Spanish America, all I need say more on this head will be but repetitions of what has often and long been represented by the principal merchants of London and all parts of Great Britain *etc.* The Independant Company from Bermuda was very short of their

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complement and mostly old men, so that it will be a great charge to recruit them and they are not at present of such use as I expected but hope soon to fill up the Company and make them more serviceable. My own Company is as compleat as any in America tho' I have had the misfortune to lose 23 men this last year or should [*have*] had enough recruits ready for the Bermuda Company. We are in great want of a Chaplain to the Independant Company and hoped we should have had the Rev. Mr. Dyson who the Secretary at Warr was pleased to allow to supply us till a Chaplain was appointed for us, he belong'd to the Independant Company under Captn. Massey at Port Royal in South Carolina where there is a good Church and Pastor that they would not have been disappointed whilst he was here, but his temporal affairs has taken up his time so much that I have had nothing but letters and promises so long that I now despair of his company and intreat your Lordships' good offices that we may have one appointed and I hope for a worthy good man who with the pay of the Company and what the Colony would give him may have above 200*l.* ster*l.* a year immediately and is sufficient for him to live here handsomely and depend it will be soon much more. We are forced to have Divine Service read in our Church every Sunday by an Officer of the Garrison which is not so regular nor well liked by strangers and is some discouragement to new inhabitants and the whole Colony have requested me to get an orthodox Divine as soon as possible. Your Lordships must have seen maps of these islands done by different hands with descriptions of this harbour and fortifications which for want of time and expences or ability in the persons that attempted to do it where but unfinished sketchees not to be depended on tho they served to give some light which was wanting till more exact ones could be procured. And Capt. Gascoign in H.M.S. the *Alborough* with H.M.S. the *Happy* both under his directions are employ'd to survey as many as are needfull of the Bahama Islands, with the Bahama Passage, Coast of Cuba, Gulph of Florida, Windward Passage and places adjacent, as he has already Port Royal in Carolina with the Harbour of Charles Town and good part of the coast, as far as St. Augustine and he has likewise surveyed that Harbour with some places next adjacent and having so much time and assistance to do it *etc.* he can perform with more exactness than any one else *etc.* Before he returned from hence in February last to Carolina he informed me he had finish'd his rough copy and remarks and would soon after send thence finisht drafts of all he had done in these parts to the Lords of the Admiralty and that I should have a copy on his coming next to me which I believe will be some time before Christmas, and if any more can be added to what he does it shall be attempted in the best manner we can *etc.. etc.* Signed, Woodes

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Rogers. *Endorsed*, Recd. 11th Jan., Read 4th June, 1730.
4 large, closely written pp. Dated by letter of Feb. 10, 1731,
q.v. *Enclosed*,

482. i. Remarks upon the condition of the fortifications at
New Providence, when Governor Rogers arrived,
25th Aug., 1729. *Cf. preceding. Confirmed by*, V.
Howell, Lt.; E. Knight, gunner, Peter Bessick,
serjeant, John Mills. *Endorsed*, Recd. 11th Jan., 1731.
1 $\frac{2}{3}$ pp. [C.O. 23, 2. ff. 236–239v. (*with abstract*),
241, 241v., 242v.]

Oct. 1 $\frac{1}{2}$.
London.

483. [—] to A. Bernaert, merchant, Ostend. Anonymous
rumours about Spanish Fleet and the despatch of troops to
Jamaica, etc. *Signed*, Anonyme. *French*. 2 pp. [C.O. 137,
47. ff. 118, 118v.]

Oct. 12.
Windsor
Castle.

484. Duke of Newcastle to Governor Hunter. As you will
have had from Mr. Delafaye an account of your former letters
being received, I have not troubled you with particular acknow-
ledgements of them, having no commands to send you from
H.M. upon the contents of them; But the last which I had
from you of the 4th of July, with the inclosed copy of what you
wrote, at the same time to the Board of Trade, being laid before
the King, H.M. was extremely concerned to find by it the
defenceless condition of the Island under your Government.
His Majesty approves your care for the defence and security
of the Island, but considering the ill situation that you are in
at present, H.M. has been pleased to order the two Regiments
of Foot commanded by Brigr. Newton and Colonel Hayes,
which are now at Gibraltar, to be forthwith sent from thence,
which you are, upon their arrival, to take under your command,
and make the best provision you can for their reception and
subsistence at Jamaica, in the manner that has been formerly
practised on the like occasions; the King cannot doubt but
his subjects of Jamaica will receive, in the manner they ought,
this instance of H.M. great goodness to them, and care for their
security and welfare, and that they will readily contribute
whatever may be necessary, on their part, over and above
the establishd pay, for the support and maintenance of those
troops, which H.M. has thought proper to send thither for their
protection and defence. The King hopes that this reinforce-
ment will enable you to provide for the peace and security of
the Island. I have laid before the King your Memorial for a
supply of Ordnance Stores for the service of Port Antonio, which
H.M. has referred to the Board of Ordnance, with directions to
apply to the Parliament, at their next meeting, for the necessary
sums to defray that expence, which if it be granted, the stores
will be sent you as soon as possible. *Signed*, Holles Newcastle.
Endorsed, Copy sent to M[ajor] G[eneral] Hunter, 9th Nov.
Draft. 2 $\frac{3}{4}$ pp. [C.O. 137, 53. ff. 270–271; and 137, 47. ff. 63–64v.]

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Oct. 12.

485. Extract of a letter from Port Royal, Oct. 12, 1730. The *Tryall* is arrived from the wreck, and has got good part of the treasure, she sails, in a few days with a fresh supply of divers, and Ct. Mitchell in the *Experiment* was left to guard the wreck. Yesterday Ct. Mayne saild to relieve her, the spirit of piracy is much revived here, severall sloops has been fitted out ; and all think they have a right to plunder, some has met with success and have run away, and I suppose designe to returne to their former course of life. Wee have had strange doings and much confusion but every thing now seems very easie. The treasure is on board the *Lyon*, believe Lord Muskery will carry it to Cadiz, if a Spanish man of warr from Carthagena, wch. is expected does not prevent him, the amount whereof perhaps may be about 70,000*l.* sterling. $\frac{3}{4}$ p. [C.O. 137, 53. f. 272.]

Oct. 13.

Whitehall.

486. Mr. Popple to Mr. Fane. Encloses, for his opinion in point of law, act of Antigua (1730), *to continue the act of Courts*, and two acts of Montserrat, (i) *to repeal an act empowering Justices to decide differences not exceeding 6*l.* (1729)* ; and for *raising a poll-tax and assessing the houses in Plymouth etc. (1730)*. [C.O. 153, 15. pp. 57, 58.]

Oct. 15.

Whitehall.

487. Mr. Popple to Mr. Fane. Encloses for his opinion in point of law 6 Acts of Jamaica (i) *for vesting 20 acres of land in Lynches Island to the Crown* ; (ii) *an Act for the better amending the highways*, (iii) *to oblige the inhabitants to provide themselves with a sufficient number of white servants etc.* (iv) *for raising several sums etc.*, (v) *for the better suppressing rebellious and runaway negroes*, (vi) *for the better regulating slaves etc.* [C.O. 138, 17. pp. 295, 296.]

Oct. 16.

488. Mr. Fane to the Council of Trade and Plantations. Report upon Act of Antigua, 1725, *to enable William Gregson of London, gent., to dispose of a plantation formerly belonging to Roger Williams*. Recites Act *etc.* The question arises whether a fine and recovery levied and suffered here of lands in Antigua will have any operation or effect so as to bar the entail and remainder of lands created by deed there *etc.* Apprehends that it will not ; otherwise, this act is entirely unnecessary, for it is intended to supply the want of it. *Continues* : The method is very common, but the manner of obtaining it most extraordinary and unprecedented, for it is passed upon the application of a creditor to a person who never had a title to this estate ; it is passed upon the single application of Mr. Gregson who was a creditor of Roger Williams who never had a title to the estate supposing fines and recoveries do not extend to Antigua and without the consent or knowledge of Thomas Vaughan the son of the testator James Vaughan who is alive and tenant in tail in possession. I apprehend there can be no instance shewn where any legis-

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lature ever interposed so far as to divest a tenant in tail and barr his issue and the remr. over unless it had been upon his own application or he had been privy or consenting to it, and to give certain known assurances in the law operations and effects which of themselves by law they would not have and to supply defects in a conveyance without the consent of all parties interested. This is in my apprehension so extraordinary a stretch of power in the Legislature, for it is actually taking upon themselves to convey away the estates of the planters to whom they please, that it ought to meet with the utmost discountenance from your Lordships. Another objection to this act is that there is no clause of reservation of the rights of all persons interested whose consent to the act did not appear. This is a clause constantly incerted in all private acts. But it is so much the contrary in this, that the right of all persons claiming under the title of James Vaughan is expressly barred, though they were none of them privy or consenting to it. Upon the whole I am humbly of opinion that this act is not proper to be passed into a law *etc.* *Signed*, Fran. Fanc. *Endorsed*, Reed. 20th Oct., Read 10th Nov., 1730. 5 pp. [C.O. 152, 18. ff. 139-141, 142v.]

Oct. 17.
Bristol.

489. Certificate by Edward Foy, Mayor of Bristol, that Capt. Charles Willis, Commander of the *Benjamin* galley, has this day deposed that Timothy Salter, a Councillor of Barbados, died on board, 25th July *etc.* *Signed*, Edw. Foy, Mayor. *Endorsed*, Reed. (from Mr. Leheup) 28th Oct., Read 25th Nov., 1730. *Stamped. Sealed.* $\frac{1}{2}$ p. [C.O. 28, 21. ff. 130, 131v.]

Oct. 19.
Barbados.

490. Governor Worsley to the Council of Trade and Plantations. The 30th of the last month, I received the honour of your Lordships' letter of the 6th of November last, as also H.M. new Seale *etc.* *Returns* former Seal. *Continues* :—At the same time I had the honour of receiving your Lordships' letter of the 17th of April last, and am to give your Lordships my most humble thanks for your great goodness in recommending Thomas Maxwell Esqr. Haggatt's place in the Council. I have already communicated to the Council that paragraph of your Lordships' letter which relates to the Act for reducing interest *etc.*, and shall endeavour to get an explaining law past in order to prevent for the future any disputes upon this subject *etc.* *Signed*, Henry Worsley. *Endorsed*, Reed. 14th Dec., 1730, Read 24th Aug., 1731. 2 pp. [C.O. 28, 22. ff. 75, 75v., 76v.]

Oct. 19.
Barbados.

491. *Same* to Mr. Popple. On the 30th of the last month I received your letter of the 9th of December and 17th March last *etc.* *Will reply* to queries in former and observe instruction as to whale fishery in latter *etc.* *Signed and endorsed as preceding.* $\frac{2}{3}$ p. [C.O. 28, 22. ff. 77, 78v.]

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Oct. 19.

492. Mr. Partridge to Mr. Popple. Secretary Popple, herewith send thee my memorial to the Lords Commissioners for Trade, praying they would please to report upon 4 of the New Jersey laws in order for the Royal Assent, weh. I desire thou wouldst please to lay before them wherein thou wilt oblige Thy Friend. *Signed*, Richd. Partridge. *Endorsed*, Recd. 20th Oct., 1730, Read 10th March, 17³⁰/₃₁. *Addressed*. $\frac{1}{3}$ rd p. *Enclosed*, 492. i. *Same* to the Council of Trade and Plantations. London. Oct. 8, 1730. Requests report upon four of the Acts of New Jersey submitted 4th March, 1729. q.v. *Signed*, Richd. Partridge. *Addressed*. $1\frac{1}{2}$ pp. [*C.O.* 5, 972. *ff.* 198, 199, 199v., 200v.–201v.]

Oct. 21.
Whitehall.

493. Council of Trade and Plantations to the King. Recommend Henry Harrison for Council of Virginia in place of Mr. Beverley, deed. [*C.O.* 5, 1366. p. 54.]

Oct. 21.
Whitehall.

494. Council of Trade and Plantations to the Duke of Newcastle. *Enclose* extract of letter from Governor Hunter, relating to the battery he proposes to erect on Lynch's Island and his request for guns *etc.*, for H.M. pleasure thereupon. *Conclude* :—Considering the present state of the Island we beg leave to joine with him in the same request, tho' we should otherwise have been tender of proposing a further expence to H.M., and for that reason did not sooner trouble your Grace with any letter upon this subject. [*C.O.* 138, 17. pp. 296, 297 ; and (*with extract*) 137, 47. *ff.* 65–66v.]

Oct. 21.
Whitehall.

495. *Same* to Governor Worsley. *Acknowledge* letter *etc.* of 29th March, 23rd April, 7th July, and one dated in August last *etc.* *Continue* :—[*We*] are very glad to find, the island under your Government in a state of tranquility in all respects, save only in what regards the payment of ye King's tax ; as her Majesty has already been pleased to signify her pleasure in this particuilar by Her order in Council, it is not necessary that we should add anything upon that subject. We have transmitted to His Grace the Duke of Newcastle an extract of your letter of 7th July in relation to the Governor of Porto Rico *etc.*, and we hope you will soon receive H.M. directions how to behave on that occasion. We observe what you write concerning the petition, praying that H.M. would prevent the importation of any sugars from any of the French and Dutch Colonies into Ireland, or the Northern Colonies, till those commodities shall have paid a duty adequate to that which H.M. subjects in His Sugar Colonies do pay in Britain, or that they may have the same liberty as the French, of exporting their improved sugars at a duty of one pr. cent. upon exportation directly to any one of the Spanish ports in Europe, without first importing them

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into England. And as this petition may probably in a few days be referred to this Office, we shall then give our opinion upon it to H.M. We desire you will, as soon as may be, send us a particular account what numbers of French are now settled upon ye Island of Sta. Lucia, and how many English are now there, how they are employ'd, and that you will continue from time to time to inform us, by an exact return to our general Queries, of the state of all the islands under yor. Government. [C.O. 29, 15. pp. 212, 213.]

Oct. 21.
Whitehall.

496. *Same* to the Duke of Newcastle. *Enclose* extract of Governor Worsley's letter of 7th July. *Continue* :—From this extract your Grace will perceive what treatment the Spaniards at Porto Rico have shew'd Capt. Barnesley, Commander of one of H.M. ships of war, when he went to demand restitution of such vessels belonging to some persons at Antigua and Barbados, as had been taken by the Spaniards since 11th June, 1728. *Autograph signatures.* 1 p. *Enclosed,*

496. i. Extract of Governor Worsley's letter to the Council of Trade and Plantations, 7th July, 1730, referred to above. 1 p. [C.O. 28, 40. No. 7, 7 i; and (covering letter only) 29, 15. p. 214.]

Oct. 21.
[sic]
Boston.

497. Col. Dunbar to Mr. Popple. Since my last pr. my brother, I have attended a Committee of the House of Representatives upon a summons, Governor Belcher haveing recommended to them the passing such laws as were requisite for preservation of H.M. woods. I herewith send you the votes to shew how the House received the report of the Comttee. in favour of the bill proposed by me *etc.* The sloop which this Governmt. sent to Fredericks fort, returned to York in the province of Maine, and putt into the goal there 4 poor fellows whom they took working in the woods near the fort, where they are now starveing; their crime was the pretended riott or act of pyracry mentioned in my last, they have been tryed at one Court and tho' nothing could be made of it, they are continued over until January next; this is ye justice of this country to strangers and foreigners as all H.M. European subjects are called here; the poor Pallatines mentioned in my former to you are begging about town, it would move any other people to see them, no dyeing criminals look more pitteously, they were bound to Pensilvania but brought in there as I formerly mentioned, where they are likely to perish this winter. *Encloses* papers to be laid before the Board. *Continues* :—I have been long detained here by a most malicious prosecution at the instigation of Governor Belcher and Doctor Cook, all indifferent people say they never heard of such useage. My brother will tell you the whole. I am now

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going to winter at Fredericks fort. This town at this time is full of Frenchmen, come to carry away large ships to their plantations, [*on opposite page*. Qr. what Plantns. French West Indies.] purchased here with rum and molasses, the practice is for a merchant here to go with the ship beyond the Fort [*on opposite page*, Qy. What Fort. Fort William in Boston harbour] and there to give a bill of sale and the register to the French master, and thus evade the Acts of Navigation, besides rum and molasses the French send and bring wines and great quantities of their silks and all this connived at, *etc.* Signed, David Dunbar. Endorsed, Recd., Read 31st Dec., 1730. 2 pp. Enclosed,

497. i. Governor Belcher to Col. Dunbar. Boston, 24th Oct., 1730. *Abstract*. In reply to *No.* iii, though his constant attendance at the General Court keeps him in a great hurry at present, he will always be ready to attend to what Col. Dunbar may propose for H.M. service. He still thinks the Proclamation is done with good propriety, and there is no necessity for renewing it annually. But if Col. Dunbar thinks H.M. service will be prejudiced for want of it, will order one to be published here and in New Hampshire. He recommended the affair of the King's Woods to the Assembly at his first opening of it, and again upon Col. Dunbar's letter of 26th Sept. *etc.* Hopes what he has done may produce some good law next sessions. Has never found it the way for success to offer matters to the Assembly when they are in a hurry to rise. Signed, J. Belcher. *Copy*. 1½ pp.

497. ii. *Same to Same*. Boston, 21st Oct., 1730. *Reply to No.* v. *Abstract*. Has it in command from the King to govern this people according to the Charter, of which he finds constant mention in the Acts of Parliament for the preservation of the woods. Sees, therefore, no impropriety in referring to it in his Proclamation. He did not think it proper to insert any official advertisement in the Proclamation. He consulted the Council upon Col. Dunbar's letter and the Proclamation, which he still thinks full and sufficient. Repeats gist of conclusion of preceding. Signed, J. Belcher. *Copy*. 2½ pp.

497. iii. Col. Dunbar to Governor Belcher. 22nd Oct., 1730. *Reply to No.* ii. Regrets difference of opinion as to Proclamation and requests one for N.H., mentioning the dimensions of trees and penalties. As to the miscarriage of the Act proposed by him being due to his mistimeing it at the end of a sessions, his application

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to the Governor was made in eight days after his arrival, 18th Aug., and it was not till 4th Oct. that the latter informed him that he thought it too late to introduce the act *etc.* *Signed*, David Dunbar. *Copy*. 2 pp.

497. iv. *Same to Same*. Boston, Oct. 26, 1730. *Reply to* encl. i. "It may seem a little out of the way, if you should order a different proclamation in another Province of your Governments, from that you issue here" *etc.* *Continues* :—The miscarriage of the late proposed bill, which passed the Committee, was owing wholly to one particular gentleman in the House, who would be much affected thereby, as he is interested in saw mills in the heart of the white pine woods *etc.*, namely, Doctor Cook *etc.* *Asks* for a ruling in the case of Col. Westbrook and his partners, who are likewise building saw mills, he says upon his own private property, and therefore may cut trees to saw at his mills *etc.* The discharge of his duty has made him so many enemies, that a man of less resolution would be afraid to persevere. *Refers to* "the Doctor's inveteracy against me" *etc.*, and Mr. Atkinson's treatment of him *etc.* *Concludes* :—I was yesterday very well informed that Dr. Cooke has lately threatend me with the Indians, to the eastward. I see there are presents ordered for them. I have already had notice from the chiefs of the Indians at Penobscot that the people at the truckhouse at Georges have done their endeavour to turn them against the new settlers; I am going thither to undeceive them, and I have good reason to apprehend that the Doctor's going thither may produce dangerous consequences. *Signed*, D.D. *Copy*. 4½ pp.

497. v. *Same to Same*. Boston, 19th Oct., 1730. Has sent copies of the Proclamation to New Hampshire, but does not think they answer the end he proposed, "for by your quotation of the restrictions in the Charter, the common people may understand that any trees may be cutt yt. are under 24 inches diameter," as indeed the Governor himself thought when he first waited upon him. *Requests*, therefore, that the dimensions and penalties may be proclaimed, as Governor Dummer did last year. *Presumes* these proclamations cannot properly be fixed up in N.H., and hopes H.E. will send orders to that Government to do what is proper therein. "If you had thought fitt to have published the advertisement weh. upon consulting H.M. Advocate Genll. you seemed willing

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and resolved to do with your Proclamation, it might have prevented you this trouble" *etc.* Was summoned to attend the Committee for Laws at Roxberry: they were extremely obliging, and he believes it will not be the fault of the Committee, if an act does not pass, "but they were not apprized of the particulars of my application to your Excellency, wch. I hoped you had communicated to the House. I therefore told the Committee that as the session was far spent, I would avoyd clogging the matter, and only desire that all ye saw mills, their scituation and owners names may be registerd in some publique office, with all the private propertys yt. were so before the 7th of Oct. 1690" *etc.* *Signed*, David Dunbar. *Nos.* i-v. *endorsed*, Recd., Read 31st Dec., 1730. *Copy.* 1½ pp.

497. vi. Proclamation by Governor Belcher, to prevent the destruction or spoil of H.M. woods. Roxbury, 8th Oct., 1730. *Enjoins* observance of the restrictions and injunctions contained in the Charter and Acts of Parliament relating thereto. *Signed*, J. Belcher. *Printed.* Boston. 1 large p.

497. vii. The *Boston Gazette*, numb. 567. 12th—19th Oct., 1730. *Contains* an advertisement by Col. Dunbar, 19th Oct., that he has warned people cutting white pine trees in the neighbourhood of Sheepscot River, that he has made choice of that place, as being within the Province of Nova Scotia, as part of the 300,000 acres he is instructed to reserve for H.M. Navy *etc.* *Endorsed*, Recd. 31st Dec., 1730. *Printed.* Boston. 2 pp.

497. viii. Votes of the House of Representatives of the Massachusetts Bay, 28th Sept.—21st Oct., 1730. *Endorsed as preceding.* *Printed*, by Thomas Fleet. 44 pp. [*C.O.* 5, 871. *ff.* 236–240, 242–245, 246, 246v., 247v., 248, 249, 249v., 250v.–266, 267–269, 270–272, 273–274v.]

Oct. 21. **498.** Council of Trade to Committee of Privy Council.
Whitehall. Enclose following.

498. i. Draft of Instruction for Gov. Johnson relating to Mr. Purry's Settlement. [*C.O.* 5, 401. *ff.* 4–7.]

Oct. 22. **499.** Duke of Newcastle to the Council of Trade and Plan-
Whitehall. tations. *Refers* following for their consideration. H.M. would have you consider the additional clause, which the Garde des Sceaux proposes, that the ships of either Nation shall be forbid to anchor there, unless it be in case of necessity to take in wood and

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water ; and report your opinion upon the right which the French pretend to the Islands of Sta. Cruz and Tobago, their pretension to the last seeming to be entirely new ; and also what informations you may have received of a clandestine trade carried on, as is alleged, by the King's subjects at Martinico, Guardalupa, and in that part of the island of St. Domingo, which is inhabited by the French, and what is proper to be done in that respect. *Signed*, Holles Newcastle. *Endorsed*, Reed. 23rd Oct., Read 3rd Nov., 1730. 1½ pp. *Enclosed*,

499. i. Extract of letter from Earl Waldegrave to the Duke of Newcastle. Paris, Oct. 17, 1730. Monsr. Chauvelin gave me the enclosed memorial, the first part of which relating to Sta. Lucia etc. is agreeable to what Mr. Walpole, Mr. Poyntz and I had the honour to mention to your Grace, the 17th past. *Asks* for instruction on latter part. *Copy*. ½ p.

499. ii. Memorial of M. Chauvelin delivered to Lord Waldegrave 12th Oct. (N.S.), 1730. *Welcomes* acceptance by the King of England of proposal for reciprocal evacuation of Sta. Lucia, St. Vincent and Dominico, in order to the speedy determination of the right thereto. Is ready to give orders to that effect, to be communicated at the same time as those of the King of England. "It is proper also that vessels should be prohibited from anchoring there, except in cases of need for wood and water, under penalty of confiscation." *Continues* :—But at the same time one cannot refrain from speaking once more on the subject of the Island of Sta. Cruz, to which England has no effective claim. It is demanded that the English settled there should be ordered at the same time to withdraw, and also that they should be forbidden to establish themselves in Tobago. His Majesty could not make any concession on that point, or refrain from upholding his just rights over those Islands, where the English have none. His Majesty desiring the continuation of the union which exists so happily between him and England, is persuaded that the King of Great Britain will give the necessary orders that nothing should be done which might affect it, such as, amongst other things, the illegal trade which the English, supported even by ships of war, carry on at Martinique, and in the French part of St. Domingo, concerning which useless representations have been made for a long time. *Copy. French*. 1½ pp. [C.O. 253, 1. Nos. 58, 58 i, ii ; and (without enclosure i) 28, 21. ff. 116–117v, 119v.]

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Whitehall.

500. Council of Trade and Plantations to Lt. Genl. Mathew. *Acknowledge* letters *etc.* of 24th Sept. 1729 and 11th March, 28th May, 10th and 25th July, 1730, and the old Seal, *etc.* *Continue* : —We shall enquire into the characters of Messrs. Payne and Phipps, whom you have sworn into the Council of St. Christophers, to make a Quorum there ; But shall represent nothing concerning them to H.M. until Instructions shall be prepared by his orders for a new Governour. We are sorry you have had so much difficulty in getting copies of the publick papers from the respective officers, whose duty it was to have prepared them for you, but hope they have now submitted to it upon this occasion. We must observe to you, that whereas by your Instructions you are to send to us copies of all publick papers, the intent thereof is, that you should send all such papers to us or to our Secretary directly, and not to agents or other persons, to be by them brought to us ; you will therefore do well to take notice of this for the future. We have sent the several publick acts you have transmitted to us, to Mr. Fane *etc.*, and so soon as we shall have received his opinion *etc.*, we shall take them into consideration *etc.* We have considered the papers you sent us, relating to Mr. Wavel Smith's case, whereupon we must observe to you, that it certainly was in all times the intention of the Crown that the constitution of the several Colonies abroad, immediately under H.M. Government, should resemble as much as might be, the constitution of their Mother Country, to whose laws and customs the said Colonies are directed to conform themselves, as far as they may be applicable to their circumstances ; For this reason, the Charter, Patent, and Instructions from the Crown have established the Legislature of the Colonies upon the British model ; The Governor representing the King, the Council the House of Lords, and the Assembly the House of Commons ; that every legislative act of theirs, like those of Great Britain, might pass a threefold approbation, and that each branch of their legislature subsisting upon an independent and distinct footing, might be reciprocally checks upon the other two. But we apprehend that the suspending of a Councillor too lightly, at the request of the Assembly, for not complying with an order of their Committee, not communicated to the Council, might throw too much power into the ballance of the Assembly, and destroy that independence which each branch of the Legislature ought to be possess'd of. The Secretary being a Councillor, we apprehend, he could not regularly attend the Lower House without permission for that purpose from the Council, in their legislative capacity, and therefore it would have been more decent in the Committee to have made their order in general terms, upon the proper Officer only, which might without difficulty have been complied with, by Mr. Smith's Deputy whom he is empowered to constitute by his patent. But if the point aimed at by that

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order, was, a personal examination of Mr. Smith, the Assembly should have applied to the Council for their leave; and to complaine of Mr. Smith, for not attending without such previous order, is in direct terms assuming a power over the upper branch of the Legislature, in all cases where the Members of the Council Board happen to be (as they frequently must be) Officers and servants of the Crown in another capacity. This would be a precedent of very dangerous consequence, because the King's Councillors in the Colonys have a double capacity, they are not only a branch of the Legislature, but are likewise, as the King's Privy Council, intituled to a considerable share in the administration and execution of the laws there. Wherefore we are intirely of opinion that you have acted prudently, in not suspending Mr. Smith from his seat in Council, on the address of the Assembly, seconded by the vote of the Council; tho' on the other hand Mr. Smith should remember that he is Secretary as well as Councillor, and as he is by his patent intituled to depute a person to act in his stead, he will be in some degree answerable for the conduct of his Deputy, and will therefore do well to give him full instructions upon all occasions to give no just offence to any person, and much less to the Assembly of the Island. We are sorry to find, that the Assembly should insist on any priviledge not properly belonging to them. But altho' your Instructions do direct that their priviledges should not exceed those enjoy'd by the House of Commons here; yet we may tell you, that the Law of Parliament in England is properly the usage of Parliament, and perhaps what has been usually done by your Assemblies, may have by that usage, acquired a sanction in matters not directly repugnant to the authority and prerogative of the Crown. The precedents in England are various; accounts from the Treasury are generally address'd for to the Crown, but in matters of less moment, orders are frequently made upon the respective Offices, without any previous address to the Crown; such an address might be very proper to you who represent the Crown there, for publick accounts; But we apprehend, the attendance of a Councillor in the Lower House ought to be by leave from the Council, as a member of their body, and not from you as Governor only. [C.O. 153, 15. pp. 58-64.]

Oct. 22.
Whitehall.

501. Council of Trade and Plantations to Governor Hunter. *Acknowledge* letters of 9th and 13th May and 4th July etc. Acquaint him with procedure of Oct. 15th and 21st. *Continue*: —We are surpriz'd that the Assembly should not have come to a resolution of applying to the Crown for assistance in their present difficulties wherein their property is so much concerned; But altho' they have been so negligent of their own safety, H.M. knowing the consequence Jamaica is of to the trade of Great Britain has had the goodness to order two Regiments thither

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for the protection of the Island and of his subjects there : You will therefore do well to move the Assembly, that an additional allowance be made to their pay whilst they continue with you which no doubt will be until the rebellious negroes shall be subdued. In our last letter to you we stated our objection to the Act for *preventing dangers from disguised Papists etc.*, and we can't but think that objection had it's weight ; However considering the small proportion the Whites in general bear to the Blacks in Jamaica, and that according to the Repn. there are many Irish Papists amongst your white inhabitants upon whom there is no great dependance in case of danger. In regard to the present scituation of the Island, we have been press'd by your Agent to lay this Act, and we have according laid the same before H.M. for his Royal approbation, hoping the confirmation of it may give some satisfaction to the people under your Government ; tho' we should otherwise have inclin'd to have waited for the effect of this Act in its operation before we had made it absolute. *Acquaint* him with their support of his request for guns *etc.* for Port Antonio (v. Oct. 21). *Conclude* : We shall be always ready to contribute what lies in our power for the service of Jamaica ; tho' you can't but be seneible what difficulties attend any expence of this sort which cannot be justified without the sanction of Parliament, and therefore we hope the Assembly who you say have given 3000*l.* towards finishing Fort George, may be induced to give a further sum for this purpose in case our application should prove ineffectual. The old Seal which you mention (10th May) to be sent, has not yet been received, and Mr. Delafaye knows nothing of it, we must therefore desire you will let us know by whom you sent it, that the same may be broken in Council here according to H.M. orders, you will likewise do well to send us as soon as may be a very full answer to our queries relating to the state of Jamaica. [C.O. 138, 17. pp. 298-301.]

Oct. 22. **502.** Memorial of loss and damage (2167 pieces of eight = 500*l.* sterl.) sustained by Joseph Sandwell, owner and master of the *Aurengzebe*, seized by the Spaniards at Carthagená, Feb., 17 $\frac{1}{2}$ ^s. Deposition, *signed*, Edgate Sandwell. *Endorsed*, Reed. 29th Dec., 1730. (from William Read). *Copy*. 1 $\frac{2}{3}$ pp. *Enclosed*,

502. i.—v. Papers relating to foregoing, English and Spanish. *Copies*. 31 pp. [C.O. 388, 92. Nos. 13, 13 i—v.]

Oct. 27.
St. Johns,
Nfld.

503. Mr. Keen to Mr. Popple. I am again under the necessity of acquainting the Lords Commrs. for Trade *etc.* of a murder committed the 3rd instant supposd to be don by one John Perryman. I have taken all the care I possibly could, by having the body searcht by chyrurgions and have taken their report, and sworn a jury whose opinion, with the evidences

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taken I have inclosed, and directed to the Justice to whome the prisoner John Perryman and the evidences William Forster and John Farrell shall be delivered, and sent them in the briganteen *Elizabeth and Cathrine*, William Squarey Commandr. *etc.* I humbly begg their Lordps. would be pleased to take into consideration, that some means may be found for my reimbursement the charge of sending home the prisoners, for I do assure their Lops. that the people resideing here the winter are not in a capacity to pay it, and the little tax already laid, for building a prison is not complyd with, the Commanders of fishing ships, and traders are so avers to all Government, that they endeavour to oppose it with all their might; and altho the rate on the tradeing men, do not amount to one farthing in the pound, they will not pay it; the poor inhabitants make no difficulty in paying their proportion, and have don it as well most of the by-boat-keepers. Besides the difficulty we labour under when a murder is committed, in mentai[ni]ng ye culpble. and wittnesses, the commandrs. of ships bound home will not take them on bord, unless their passages be imediately paid, and then with the utmost difficulty, and wch. I have been forced to comply with; besides the fatigue and trouble and loss of my money disbursed. I beg Sr. that you will be pleased to lay this before their Losps., that some consideration may be had for any future accidents. *Signed*, W. Keen. *Endorsed*, Reed. 18th Dec., 1730, Read 12th Jan., 1731. *Holograph*. 1¼ pp. *Enclosed*,

503. i. Verdict of Coroner's Jury upon the murder of Walter Nevell at St. Johns. 5th Oct., 1730. *Signed*, Arthur Came, Coroner; and 24 jury men. 2 pp.
503. ii. Deposition of John Farrell, fisherman, servant to John Perriman of Quidi Vidi. 5th Oct., 1730. On 3rd Oct. after drinking in the house of Wm. Forrester in St. Johns, a dispute arose between John Perriman and Walter Nevill over money owed by the former. "Perriman answered he did not owe it him, and call'd him Maz'd Toad," and touched him. Nevell rose, and Perriman knocked him two or three times against the side of the chimney *etc.* *Signed*, Jno. Farrel, in the presence of the Coroner and Jury *etc.* *Copy*. 1¼ pp.
503. iii. Deposition of William Forester, 5th Oct., 1730. *Corroborates preceding*. Taken in the presence of the Coroner and Jury. *Copy*. 1½ pp.
503. iv. Certificate of cause of death of Walter Nevell. 5th Oct., 1730. *Signed*, Richd. Newton, James Gentet, Jno. Monier. ½ p. Nos. i-iv. *endorsed*, Reed. (from

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Capt. Osborn), Read 12th Jan., 1730. [C.O. 194, 9. ff. 62-66v., 69v.]

Oct. 27.
Whitehall.

504. Duke of Newcastle to the Governor of New England. *Encloses following and concludes* :—As these men are employed in cutting timber for H.M. service, you should give them all the protection you can, from any attempts of the Indians. *Copy. Signed, Holles Newcastle. Enclosed,*

504. i. Lords Commissioners of the Admiralty to the Duke of Newcastle. Admty. Office. 16th Oct., 1730. Recommend enclosed application. *Copy.*

504. ii. Ralph Gulston to the Commissioners of the Navy. 16th Oct. 1730. By letters from N.E., 17th Aug. last, I have advice from Col. Westbrooke, who provides the masts etc. for my contract, that he had received a letter from the Lt. Gov. of the Massachusetts Bay to be upon his watch for fear of being surprised by a party of Indians, who seem to threaten some disturbance etc. which had occasioned his people who were searching the woods for trees, to retire and leave their work etc. *Prays* that the Governor may be directed to afford them sufficient protection etc. *Copy.* [C.O. 324, 36. pp. 240-242.]

Oct. 27.
Whitehall.

505. Council of Trade and Plantations to the King. Recommend John Ashley for the Council of Barbados, in the room of Mr. Maycock, dead. [C.O. 29, 15. pp. 214, 215.]

Oct. 28.
Whitehall.

506. Mr. Popple to Mr. Fane. *Requests* his opinion, in point of law, by to-morrow morning whether fines imposed by English Acts of Parliament, for offences committed in the Plantations, and to be recover'd there, are understood to be paid in sterling money, Proclamation money, or in the currency of that Province, where such fine shall be recoverable. [C.O. 324, 11. pp. 240, 241.]

Oct. 28.
Whitehall.

507. Mr. Popple to Capt. Laborde. If he has any letters from Col. Dunbar to communicate to the Board, to-morrow morning is appointed for that purpose. [C.O. 5, 916. p. 383A.]

Nov. 3.

508. Mr. Fane to the Council of Trade and Plantations. *In reply to 28th Oct.*, is of opinion that such fines are understood to be levied in sterling money, or the value thereof. *Signed, Fran. Fane. Endorsed, Recd., Read 3rd Nov., 1730.* $\frac{3}{4}$ p. [C.O. 323, 9. ff. 51, 54v.]

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Nov. 3.

509. *Same to Same.* Has no objection, in point of law, to 24 acts of Virginia, 1730, submitted to him, including the act for amending the staple of tobacco. Signed, Fran. Fane. *Endorsed*, Recd. 3rd Nov., 1730, Read 12th May, 1731. 3¼ pp. [C.O. 5, 1322. ff. 120–121v., 123v.]

Nov. 3.

510. *Same to Same.* Report upon Act of Pennsylvania for establishing Courts of Justice etc. referred to him 15th April. Has been attended by Mr. Sharpe on the behalf of Mr. Moore, Collector of the Customs in Pennsylvania in opposition to this act, and by Mr. Paris in support of it. *Continues* :—I apprehend there is no material difference between this act and an act passed in the 8th of the late King, but in relation to the jurisdiction of the Supream Court of this province as to its power of issueing originall process and hearing causes in that Court, for in all other respects this last act only re-enacts the *former etc.* By this last act the originall jurisdiction of the Supream Court is in all cases except in indictments taken away, the sole motive of which Mr. Sharpe alleadges was to defeat Mr. Moore the Collector of the Customs of the benefit of a very valuable seizure he had made at Philadelphia of the ship *Fame* laden with East India and contraband goods to the value of 20,000*l.* which he was then suing for by original process in the said Supream Court etc. It does not very plainly appear to me that this was the sole motive etc. but one circumstance induces me to think that the Legislature had prosecutions of this kind in view when this matter was under consideration by rejecting what I apprehend to have been a reasonable and proper clause offered, which was to retain an original jurisdiction in the Supream Court in all actions qui tam informations etc. wherein the Crown was interested. This I think would have been a proper reservation as it was not to be presumed that His Majesty's causes would ever be carried on with vexation or oppression in order that they might receive the most solemn and impartiall determination, the Supream Court being filled with persons bred to the profession of the law, whereas in the Inferior Courts the persons presiding are generally bred in the mercantile way and who may reasonably be supposed in cases of seizure to be under at least the temptation of being partial in favour of the claimant. Another objection offered is that a general original jurisdiction being unquestionably vested in the Supream Court by the 8th of the late King the Assembly had no power to take it away for by the Pennsylvania Charter, if the acts passed there, were not repealed by the Crown in five years, they were from thenceforth to remain in full force and the act of the 8th of the late King not having been repealed in five years it must now be considered as having the Royal sanction of the Crown and cannot be repealed varied or altered by any future act without the express leave of the Crown. This fact of the Charter I agree to be true

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but the question is whether an original jurisdiction was vested in the Supream Court by the 8th of the late King and I take it that there are not words sufficient in that act to give the Supream Court an unquestionable jurisdiction. There are some words that point that way but none so expressive in my opinion as to bring this case within the reason of the beforementioned restriction. It is true the Judges of the Supream Court in the case of Mr. Moore have thought fit to exercise a jurisdiction but I see no great conclusion from thence because Courts of Law are ever willing upon the slightest pretence to extend their jurisdiction. Another objection to this law is that though this province is expressly required by their charter to pass no laws but what are agreeable to the laws of England yet that the restriction in that act with regard to the Superior Court is directly repugnant to them, for as this Supream Court is a Court of Record it is expressly enacted by several acts passed here which extend to the Plantations, that the Custom House Officers may prosecute their seizures in any Court of Record. I must agree that it has always been thought fit for the service of the Crown that informations of seizure should be tryed in the most superior Court of Record but I can't apprehend that this act in this particualr instance is repugnant to our laws because it is passed upon a supposition that this Supream Court was meerly a Court of Error which though in strictness is a Court of Record yet I apprehend it does not come within the reason of our laws. Another objection offered is that the Inferior or County Courts are not of sufficient dignity to hear and determine causes of that value which Plantation seizures generally are and that their jurisdiction being limited to the bounds of their respective counties, the Officer is obliged to lay his action where the seizure was made and has not the liberty as in England of laying his action in Middlesex though the seizure was made in any other county. The laying of informations upon seizures in Middlesex, I must observe, has certainly been found of very great benefit to the Revenue here because of the partiality too frequently shewn to offenders of this kind in their own country. The same inconvenience it is possible may arise in this Collony and therefore it would have been prudent in the Legislature to have pursued a method so much approved of here and by experience found to be so greatly beneficial to the Revenue. As to the first part of this objection that the Inferior or County Courts are not of sufficient dignity *etc.* I can only observe as *above* that H.M. causes ought to have the most solemn and impartial determination, which they are more likely to meet with in the administration of persons skilled in the profession of the law than in the hands of merchants. There were some other reasons offered by Mr. Sharpe on the part of Mr. Moore against this law but as I did not think them very material I shall not trouble your Lordships with them. There were many

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reasons offered by Mr. Paris in support of this law the most material *etc.* were (1) The chief reason for taking away this original jurisdiction from the Supreme Court is the much greater expence suitors would be put to in prosecuting actions in this Court than in the Inferior Courts from the very great delay that must necessarily happen in legal proceedings from the seldom holding of this Supreme Court, which I think, is to be held but thrice a year, and then at Philadelphia, and the expence and trouble which will necessarily follow by the claimants being obliged to bring their witnesses perhaps from the remotest parts of the Kingdom. I am sure I should be very far from objecting to anything which would make the coming at Justice more easy in point of expence or more expeditious in it's effect. And I think in civil causes, supposing this method is less expensive that the regulation is perfectly right, but I can't agree that this restriction is at all proper in H.M. causes for the reasons I have already mentioned with regard to the dignity of the Courts. Besides, the delay of Justice is an objection in the power of the Legislature very easily to remove by appointing the Superior Court to meet oftner if the necessity of the business should require it. Another reason offered in support of this law is, that it is inconsistent the same Court should have an original jurisdiction and sit likewise as a Court of Error. If there was any weight in this argument, this law is now lyable to that objection because there is actually an original power continued by this act in this Supreme Court in all indictments. For my part I cannot see any inconsistency in it; nor is it unusual, for the Court of King's Bench whose constitution I never yet heard arraigned, has both these jurisdictions. Another objection offered to the original jurisdiction of this Supreme Court is that by bringing an action originally in this Court, no writ of error can be brought to correct any error in their judgement but by appeal Home. It may I agree put the partys to some extraordinary expence if they should not submit to the determination of this Supreme Court. But could they have been in a better condition supposing the process had begun in the Inferior Courts and not an acquiescence in the Superior Court's determination upon the errors. Besides the Legislature of Great Britain have vested a jurisdiction in the Admiralty Courts in the Plantations in all causes of seizure and have not thought proper to leave the judgements of that Court to be reviewed in any manner but by appeal home. Another reason offered in support of this act is that supposing an original jurisdiction was vested in this Supreme Court in causes wherein the Crown was interested, Mr. Moore out of spleen and resentment would make use of it to harrass and distress the people. What the conduct of Mr. Moore has been I can't pretend to say. But sure I am that his Majesty who has so perfect a regard for Justice and so tender a concern for the welfare and happiness of his

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subjects in every part of his Dominions would never suffer any officer using his authority to oppress his people. If there should be any just grounds for such a complaint against Mr. Moore, it would be more for the honour of the people of this Colony to make a complaint of his behaviour in a proper place and where they would certainly find redress than to distress his Majesty's affairs in the judicial proceedings of this province. Another objection is that to repeal this act of 1727 would overturn and unhinge all the Courts of Judicature in this province. This fact I begg leave to observe to your Lordships is not true, for I don't find that the act of the 8th of the late King is repealed by this law. But if it was by H.M. repealing this act which is now under consideration, that law would revive again and the Judicature of this province would then stand upon the very same foot it does now except only as to the point of jurisdiction upon which the objections to this act have arisen, *etc.* I begg leave upon the whole to say that if the Legislature had accepted the clause that was offered upon passing this act to retain a jurisdiction in this Supream Court in all causes wherein H.M. was interested I should have had no objection to this act. But as they have not, I apprehend it will be of very great prejudice to the Revenue, unless your Lordships are pleased to advise H.M. to repeal it *etc.* *Signed*, Fran. Fane. *Endorsed*, Reed. 3rd Nov., 1730, Read 22nd June, 1731. 6 $\frac{3}{4}$ pp. [C.O. 5, 1268. ff. 8-11v.]

Nov. 3.

511. Mr. Fitzwilliam to the Council of Trade and Plantations. *Requests* copy of Journal of Assembly and the Governor's letter relating to the reasons offered by him in Council (*v.* July 23rd), "I doubt not, but to make appear, that I have reed. very severe treatment, and that my conduct has been such, as will deserve your Lordsp's' approbation" *etc.* *Signed*, Rd. Fitzwilliam. *Endorsed*, Reed., Read 3rd Nov., 1730. 1 p. [C.O. 5, 1322. ff. 85, 86v.]

Nov. 4.

512. Memorial of loss and damage (998*l.* sterl.) sustained by Christopher Banker and Company of New York mariners, owners of the *Jolly* sloop, and by Stephen Delaney of New York, owner of the cargo (rum) taken 13th Nov. by a Spanish privateer, in her voyage from Barbados to New York. Deposition, *signed*, Samuel Baker. *Endorsed*, Reed. (from John Newman, jr.) 19th Nov., 1730. 4 pp. *Enclosed*,

512. i. Papers relating to foregoing. *English and Spanish.* 24 pp. [C.O. 388, 92. Nos. 8, 8 i.]

Nov. 4.

513. Memorial of loss and damage (1200*l.* sterl.) sustained by Stephen De Lancy, Henry Lane, Peter Barberie and John Moor of New York, owners of the *Elizabeth* and her cargo (chiefly flour and other provisions), taken by a Spanish sloop off

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Hispaniola in Aug., 1716. Depositions, *signed*, Samuel Baker of Green Lettice Lane in Cannon Street, London, merchant, and William Murphy, mariner, of New York. With Spanish translation of latter. *Endorsed*, Reed. 19th Nov., 1730. 11 pp. [C.O. 388, 92. Nos. 6, 6 i.]

Nov. 4.

514. Memorial of loss and damage (484l. 19s. 6d.) sustained by Samuel Smith of Norfolk, Va., merchant, owner of the sloop *Catherine* of Virginia and cargo taken on 4th Feb., 1729, by a Spanish privateer off Hispaniola. Deposition, *signed*, Robert Cary, of London, merchant. *Copy*. 1 $\frac{3}{4}$ pp. *Enclosed*,

514. i.-v. Letter and deposition of Samuel Smith and invoice and bill of lading relating to foregoing. *Copies*. 8 pp. [C.O. 388, 92. Nos. 17, 17 i-v.]

Nov. 4.
Whitehall.

515. Mr. Popple to Mr. Burchet. *Encloses* extract from Col. Dunbar's letter with copy of proceedings on prosecution of Jeremiah Foolsom. *Continues* :—My Lords request that the Lds. Comrs. of the Admiralty would give directions for prosecuting the appeal from the decree of the Vice Admiralty Court *etc.*, it being very much for H.M. service that the people of N. England should find, that justice may be obtain'd here, how partial soever they may be in their proceedings in that country. [C.O. 5, 916. p. 393A].

Nov. 5.
Annapolis.

516. Lt. Governor Calvert to Mr. Popple. Yours, dated 9th of December last, came to my hands late in the spring; the Queries therein inclosed *etc.* are of such a nature and extent, as must require time and caution in answering of them, inasmuch as I would desire to give their Lordships the most exact satisfaction therein; I have already given orders for a general list of whites and blacks, throughout this Province. I have given it in charge to the Naval Officers and Collectors to inform me *etc.* as to the trade to and from this Province *etc.* *Signed*, Benet. Leond. Calvert. *Endorsed*, Reed. 25th Jan., 173 $\frac{1}{2}$, Read 4th Oct., 1732. *Holograph*. *Addressed*. 2 pp. [C.O. 5, 1268. ff. 119, 119v., 123v.]

Nov. 6.

517. Memorial of loss sustained by Sir Thomas Bury and Company, owners of the *Loyalty*, seized by the Spaniards upon the coast of Asturia. Said ship was bound from Exeter with cargo for New England, there to relade with fish for Bilboa, and thence with a cargo of iron *etc.* to Exeter. *Signed and sworn by*, William Bury. *Endorsed*, Read 23rd Nov., 1730. 3 pp. *Enclosed*,

517. i. Deposition of Thomas Powell, master of the *Loyalty*, and others. 3rd June, 1730. *Copy*. 3 pp. [C.O. 388, 92. Nos. 5, 5 i.]

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Nov. 6.
Hay Market.

518. William Adair to Mr. Popple. As agent for Governor Philipps asks that the Treasury may be moved to reimburse him 250*l.* advanced by him to purchase a vessel for the Government *etc.* *Signed*, Wm. Adair. *Endorsed*, Reed. 8th Nov., Read 11th Dec., 1730. 1 *p.* [C.O. 217, 5. *ff.* 211, 212*v.*]

Nov. 7.
Jamaica.

519. Governor Hunter to the Council of Trade and Plantations. *Acknowledges* receipt of Instruction relating to the whale-fishery *etc.* *Continues*: I am very much concerned to inform your Lordships, that notwithstanding all the care and pains that was taken in fitting and sending out our Grand Party mentioned in my last, to dislodge or destroy the slaves in rebellion, they have returned without any manner of success, haveing lost themselves in the woods, supposed to be by the mismanagement of some of their officers or guides, by which some of them have been famished, others drowned in crossing the rivers and many thro' sickness have dyed, So that 'tis computed one fourth part of them are destroyed. The Assembly is now sitting, and have this affair under their examination and are thinking of what further measures may be proper to be taken to remedy this misfortune, and to protect themselves from the insults of those slaves, who begin to grow both numerous and powerfull *etc.* The Captain of the *Genoese* wrecked on Pedro Shoals sailed in H.M. sloop *Tryall* to endeavour to recover the remainder of the treasure *etc.*, but was forced into one of the leeward ports of this Island by stress of weather, but the vessel recieving no damage they sailed again for the wreck in a short time afterwards, since which I have had no further account of him; I shall continue to do everything in my power to prevent embezlements that strict justice may be done to His Catholick Majesty and those interested in the said ship, Admiral Stuart haveing what treasure hath hitherto come to our knowledge *etc.* *Signed*, Ro. Hunter. *Endorsed*, Reed. 5th Feb., Read 13th July. 1731. 2*pp.* [C.O. 137, 19. *ff.* 51, 51*v.*, 54*v.*]

Nov. 9.
Whitehall.

520. Duke of Newcastle to Governor Hunter. Sir, I write this, in the utmost secrecy, to acquaint you that H.M. has received advice, that a Spanish Officer was come to Mr. Prater, the South Sea Company's Agent at Jamaica, to let him know, that a Spanish ship of war of 50 guns and 300 men, to which he belonged, was run on shore upon Pedro shoals, ten or twelve leagues from Jamaica, and to desire assistance to save what was on board, being, as the said Officer reported, about 850,000 pieces of $\frac{8}{8}$; 250,000 whereof was a present from the Government of Peru to the Queen of Spain; That there were fourteen State prisoners on board, one of which was the late President at Panama: That Mr. Prater had ordered some sloops to their assistance, and had sent to R. Admiral Stewart at Port Antonio

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to desire him to send a man of war to prevent plundering, as you will see more particularly by the inclosed account. H.M. is pleased to direct, that you should collect and take into your own custody all the effects that were on board the said Spanish ship, which have been saved, in whomsoever's hands they may happen to be, and make exact inventories of them in the presence of some of the Spanish Officers, and detain them, and keep them safe without any embezzlement, till further signification of H.M. pleasure : But you are not, upon pain of the King's highest displeasure, to own to any person whatever, except R. Adml. Stewart, that you have received this Order, or any other relating to this Spanish ship, or even that the news of her being cast away was known in England before this sloop went from hence ; but when the Spanish Officer shall apply to you (as undoubtedly he will) for the release of the effects, you are to tell him, that you will send the King an account of what has happened, and that you cannot take upon you to part with so considerable a cargo, till you have H.M. orders for it, with which you will acquaint him as soon as ever they come to your hands. You will be sure to use the Spaniards very civilly, and suffer them to go away or not, as they shall desire, but on no account to convey away any part of their effects. As the punctual execution of this order, in every part of it, as well with regard to the secrecy, as to the detention of the effects, is of such importance to H.M. service, I cannot too much recommend it to you ; and lest it should be suspected, that the sending of this sloop is occasioned by this affair ; you are to give out that the reason of it, was to acquaint you with H.M. design of sending two Regimts. to Jamaica, and to order you to make the necessary preparations for them. You are to communicate this letter, in the utmost confidence and secrecy to R. Admiral Stewart, to whom I write by H.M. Order, to be assisting to you, and to whom also the same secrecy is enjoined. P.S. Nov. 11th, 1730. Since the writing of what is above, I have received your letter of the 19th of Sept. last, with the papers inclosed, and laid them before the King, and I have the pleasure to acquaint you, that H.M. approved the order you gave to the Captain of the Fort at Port Royal, which, you will find, is conformable to what I now send you : But the King was sorry to see, that some part of the treasure on board the Spanish wreck is most probably carried off : However H.M. would have you endeavour to recover all that can possibly be got of what is left behind, and keep it safe, and without any diminution or embezzlement, in the manner above directed. You will not fail to send me the earliest account you can of your proceedings in this affair *etc.* Draft. 4½ pp. [C.O. 137, 53. ff. 274-276.]

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Whitehall.

521. *Same to Same.* Refers to letter of Oct. 12th announcing sending of regiments *etc.* *Continues :* But as my letter went

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by the man of war that carried those orders from hence to Gibraltar, and consequently you will not receive it till those regiments actually arrive, H.M. has thought proper to dispatch this sloop on purpose to you, that you may have previous notice of it, and make the necessary preparations for the reception of the regiments and the landing of them at such places, as you shall judge most convenient with regard to the service for which they are intended, and also to provide in the best manner you are able for their quarters and subsistence, towards which H.M. does not doubt but the Island of Jamaica will readily contribute whatever may be wanting on their part, as has formerly been done in like cases ; However orders are given for supplying the troops with provisions, till such time as you shall be able to procure the necessary allowances from the Island for it. As H.M. thinks all reasonable encouragement should be given to the soldiers in order to engage them the most effectually to perform the service on which they are sent, and as nothing will so much contribute to the preservation of the peace, as well as to the flourishing condition of the Island, as the getting greater numbers of white men to settle there, H.M. thinks it would be proper to have an act of Assembly passed for allowing the soldiers, as well those belonging to these two regiments, as to the Independent Companys that are now in the Island some greater encouragement than is already provided for them by the late Act of Assembly, and that the purchasers of all the rebellious negroes that shall be taken, whether they are disposed of to the South Sea Company, or otherwise, shall be obliged to send them to such places as are to the leeward of the Island, that it may be more difficult for them to return thither ; and as a further reward of their services to give out of the settlements possessed at present by the rebellious negroes, lands for plantations to such of the soldiers, as may be willing to settle in the Island, in order to encourage them to do it, when those rebellious negroes are suppressed ; and before that can happen H.M. will direct the proper orders to be sent for the discharge of such soldiers as shall be willing to become planters when that service is over. You will communicate this letter to Rear Admiral Stewart, who will receive from the Lords Commissioners of the Admiralty the proper orders in relation to this service, upon which you will consult with him, so far as he may contribute to the carrying it on : and it will be proper that a frigate should be sent to cruise to the windward of the Island in order to look out for the men of war and transport ships that go with these forces, and to give the commanding officers an account of the disposition which you shall have made for their landing. *Draft.* 4½ pp. [C.O. 137, 53. ff. 277-279.]

Nov. 10.
Whitehall.

522. Mr. Popple to Mr. Fane. Encloses for his opinion in point of law Act of Jamaica (1724) *for vesting the equity of*

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redemption of certain lands of Thomas King decd., in Andrew Arcedeckne and Alexander Henderson etc. [C.O. 138, 17. p. 302.]

Nov. 10.
Whitehall.

523. *Same to Same.* Encloses for his opinion etc. Act of St. Christophers for settling the estates and titles of the inhabitants etc. [C.O. 153, 15. p. 64.]

Nov. 10.
Whitehall.

524. Council of Trade and Plantations to the King. Describe Act of Jamaica to prevent dangers from disguised Papists etc., "against which no complaint has been made to us" etc. Conclude:—We are of opinion that your Majesty's confirmation of it will be a seasonable check to the growth of Popery in Jamaica, and may corroborate the measures your Majesty has now the goodness to take for the defence and security of that Island. [C.O. 138, 17. pp. 303, 304.]

Nov. 10.
St. James's.

525. H.M. Warrant remitting in favour of his widow and children, the forfeiture of the property of Edward Chambers, planter, Virginia, who committed suicide in the woods, amounting to 91*l.* 17*s.* Virginia money. Countersigned, Holles Newcastle. [C.O. 324, 36. p. 243; and 324, 50. pp. 82, 83.]

Nov. 10.
Whitehall.

526. Duke of Newcastle to Governor Hunter. Encloses, in accordance with his recommendation, H.M. Warrant for inserting in the next General Pardon, the name of Peter Miller, convicted of murder at St. Jago de la Vega etc. Signed, Holles Newcastle. Copy. [C.O. 324, 36. p. 244.]

Nov. 10.

527. Memorial of loss and damage (843*l.* 16*s.* 3*d.* S. Carolina money, = 120*l.* 10*s.* 10*d.* sterl.) sustained by John Govan of London, mercht., and Company owners of deerskins, shipped to him from Charles Town, on board the *Kilmington* taken by a Spanish privateer 28th July, 1727, and carried to the Havana. Deposition, signed John Govan. Endorsed, Recd. 13th Nov., 1730. 1½ pp. Enclosed,

527. i. Invoice and bill of lading of above. Copies. 1¾ pp. [C.O. 388, 91. Nos. 20, 20 i.]

Nov. 11.
Whitehall.

528. Council of Trade and Plantations to the Duke of Newcastle. Your Grace will perceive by the inclosed copies of a letter from Col. Dunbar to our Secretary, 6th Oct., and of a letter from him to his brother, who has attended us upon this occasion, that Mr. Belcher is preparing for a military expedition agt. Frederick's Fort commonly called the Fort of Pemaquid, where Colo. Dunbar has settled several Irish Protestants, upon certain lands, to which no private persons have hitherto set up any claim; But ye people of ye Massachusetts Bay do claim a right of government over this tract of land, by virtue of a certain

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clause in their Charter, and altho' they have not nor do not pretend to have a right of granting any land there, without H.M. permission, yet they think they shall be justified in removing H.M. subjects now settled there by force of arms, which in our humble opinion, would be a most unjustifiable attempt. The Solicitor of the Treasury is now preparing a case, to lay before ye Attorney and Solr. General, for their opinion upon the pretended right of ye Massachusetts Bay to this tract of land wch. extends from ye River Kennebeck to that of St. Croix no less than 150 miles in length, and is one of the best countries belonging to H.M. on the Continent of America. We shall not pretend to divine what may be the opinion of the Attorney and Solr. Genl. upon this claim; But we know the people of the Massachusetts Bay have not only neglected to defend this country but have frequently refused to repair ye fortifications there; and it has actually been conquer'd by ye French, since ye date of their Charter; who took possession of ye fort in question, which Collo. Dunbar has lately repair'd as a defence agt. ye Indians: and which wee are informed the people of the Massachusetts Bay now intend to possess themselves of, by force of arms. But as the consequence of this attempt may prove fatal to many of H.M. good subjects, wee must desire yor. Grace would be pleased, without loss of time, to apply to H.M. for an order, directing Mr. Belcher to abstain from military execution and to stop all proceedings of any kind in that affair, till ye right shall be determin'd, and H.M. further pleasure signify'd thereupon. [C.O. 5, 916. pp. 393B, 394.]

Nov. 12.
St. James's.

529. Order of King in Council. Ordering, in accordance with preceding Representation, the Governor of Massachusetts Bay to stop proceedings *etc.* Signed, Ja. Vernon. Endorsed, Recd., Read 2nd Dec., 1730. Mem. A duplicate of this order was read, 19th Nov., and sent to Col. Dunbar *etc.* 1½ pp. [C.O. 5, 871. ff. 230, 230v., 231v.]

Nov. 12.
St. James's.

530. Order of King in Council. The Attorney General of Jamaica is to file a bill to compel John Potter late Naval Officer there, to come to an account and pay the balance due from him *etc.* Set out, A.P.C. III. pp. 296, 297. Signed, Ja. Vernon. Endorsed, Recd., Read 2nd Dec., 1730. 1 p. [C.O. 137, 18. ff. 128, 128v., 129v.]

Nov. 12.

531. Memorial of loss and damage (608*l.* 9*s.* 2*d.* sterl.) sustained by Messrs. Gibbs, Lewen and Potter of London, merchts., for goods consigned by them to Boston in the ship *Anne* (v. 6th Aug.). Deposition, signed, Cha. Lewen. Endorsed, Recd. 27th Nov., 1730. 2 pp. Enclosed,

531. i.-iii. Invoice and bill of lading of above goods. 4 pp. [C.O. 388, 91. Nos. 28, 28 i-iii.]

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Nov. 13.
Whitehall.

532. Duke of Newcastle to the Council of Trade and Plantations. *Encloses* following for their opinion, "particularly as to the alterations made in France to the order for evacuating St. Lucia, that that affair may be dispatched without further loss of time." *Signed*, Holles Newcastle. *Endorsed*, Reed. 13th, Read 17th Nov., 1730. 1 p. *Enclosed*,

532. i. Lord Waldegrave to the Duke of Newcastle. Paris, 16th Nov. (N.S.), 1730. The day after I dispatched Avison to Calais, by whom I acknowledged the receipt of your Grace's letter of the 19th past O.S., relating to the islands of Sta. Lucia etc., the Garde des Sceaux put into my hands the three inclosed papers *etc.* Your Grace will be pleased to observe that in the French draught there is a clause, that no ships of either Nation should anchor there during the evacuation, unless they should be obliged to it in order to take in wood and water, tho' not under the penalty of confiscation, which was inserted in Monsr. Chauvelin's Memorial to me (v. 22nd Oct.); but as you had acquainted me that this memorial was referred to the Board of Trade, and that upon their report I should receive H.M. further commands, and as I found the French order for Monsr. Champigny in other respects agreed with that transmitted to me in your Grace's letter of the 28th Sept., I did not enter into any discourse with the Garde des Sceaux upon the contents of these papers, nor shall take any notice again of this matter until I hear shall from your Grace. *Signed*, Waldegrave. *Copy*. 1½ pp.

532. ii. Draft of French Order for evacuating Sta. Lucia, presented to Lord Waldegrave by the Garde des Sceaux, 11th Nov., 1730 (v. *preceding*).

M. le Marquis de Champigny. The English have for some years made pretentions to the Island of Ste. Alousie, which belongs to me, and over which I have incontestable rights; they have made the same pretentions to the islands of St. Vincent and Dominico which belong to the native Caribs of the country according to the Treaty of 31 March, 1660, and in the possession of which it is my intention to keep them. I have however agreed with the Court of England, that until the claims to these islands are determined, they shall be evacuated by both nations, and I send you this letter in order to tell you that my intention is that you make known to those of my subjects who shall have established themselves on any of those islands, that they have to quit them in the space of 30 days counting from the day of publication of your orders in each of the said islands. My intention is at the same

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time that you do not execute the contents of this letter until the English Governor of Barbados has received similar orders from the Court of England and conjointly with you puts them into execution without any exception. You will take care that everything is punctually executed and that foreign vessels do not visit these islands except in cases of need for wood and water. You will take the measures necessary that the vessels of my subjects do not visit them either, except for the same needs, and you will render me an account of all that is done by way of executing this dispatch, and of the orders of the English Court to the Governor of Barbados *etc.* *Copy. French.* 1½ pp.

532. iii. Remarks upon the draft of an order by the Court of England for the evacuation of Sta. Lucia, St. Vincent and Dominica. It is suggested by this draft, that the French have for some years laid claim to the islands of St. Vincent and Dominica. The King has never claimed that these two islands belong to him. He knows that the native Caribs of the country are its possessors, and that the propriety belongs to them; he has had no intention of despoiling them, and has always explained, that he would protect them to maintain them in it. It is incorrect therefore to imagine that His Majesty makes any pretensions to these two islands. His Majesty has requested, that in giving orders for the evacuation of these three islands it should be forbidden to vessels to anchor except for necessity of wood and water, under penalty of confiscation. It does not appear that England has made any decision upon this point; it is however one which is necessary to prevent all complaints, and to ensure that the evacuation particularly at Ste. Alousie shall be made in good faith. It has been thought right to make mention of it in H.M. order, and it is hoped that the same thing will be added to those of the King of England. *Copy. French.* 1 p.

532. iv. French claims to Sta. Cruz and Tobago delivered to Lord Waldegrave by M. le Garde des Sceaux, 11th Nov., 1730. His Majesty had requested the English to give orders for the evacuation of Sta. Cruz, to which England has no claim, that they should be forbidden to establish themselves at Tobago, and to continue the illegal trade which they carry on, supported even by ships of war, at Martinique, Guadeloupe and in the French part of St. Domingo. It does not appear that England has made any reply to these just demands *etc.* *Copy. French.* ½ p. Nos. i-iv

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endorsed, Recd. 13th Nov. 1730. [C.O. 253, 1. Nos. 59, 59 i-iv; and 28, 21. ff. 120, 121v.-125, 126v., 127v.]

Nov. 17.
Fredericks-
fort.

533. Lt. Governor Dunbar to Mr. Popple. Upon the 25th of last month I sailed from Boston and landed here on the 30th. I inclosed to my brother for my Lords Commissioners for Trade an account of some passages between the Governour and me wh. related to this place *etc.* (v. 7th Oct.). *Continues* :—I told you in my former letters how the people who call themselves proprietors of lands on this side Kennebeck, would not wait H.M. determination upon their claims, but had sent to Sheepscott to take possession, they are now there and have cutt a great number of mast trees into logs and building a block house with them, notwithstanding the publique caution I gave them upon the 19th of last month *etc.*, that I reserved the lands whereon those pines grew, as part of the number of acres in my Instructions for the use of the Royal Navy. I intend to libell the partys concerned, in the Court of Admiralty at Boston and Nova Scotia, because tho' it be within the Governmt. of the latter it is impracticable to prosecute it there and if not cognizable at Boston will however be sound saving to me and as to the not elapsing of the 6 months time required by the act, wh. indeed is very little regarded anywhere, I formerly heard, but am now convinced that Judge Byfield of the Admiralty at Boston is concerned and partner with Doctor Cook in saw mills on Saco river near Caseo, how then can any fear that transgresses no farther than his Judge; the decrees and appeals that I sent you I hope will demonstrate this; I intend soon to go up the several rivers between this and Boston haveing hired a small vessel for that service, wh. must otherwayse be undone, the undertaker for the mast contract lyes in my way, about whose mills and proceedings I have yet heard nothing from my Lords Commissioners of the Admiralty. Soon after my arrival here I was visitted by some of the Indians from the 2 strong tribes of Norridgwaek 120 miles up Kennebeck River, and from Penobscot, each told me that endeavours are used to turn them against me and this Eastern Settlement. Upon the 2nd inst. I had notice that Leit. Govr. Tailer of the Masachusets with a Committee of that Council and Assembly were at Arrowziek in Kennebeck, appointed to view the fortifications (as they call them) wh. are only truck houses to trade with the Indians, there are two in that river; at Arrowziek those gentlemen were pleased to threaten what they would do to me and this fort, ye same which I have already acquainted you Govr. Beleher said to me in the hearing of the King's Advocate Genll., and two days after an Indian of note came to me from Richmond (one of the said two truck houses) and told me that Govr. Tailer and others told the Indians there, that we were not the King's

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subjects, but Irishmen come hither without any authority, and endeavoured to turn the Indians against us, but they would not be persuaded, for the New England men never used them well; some of the Penobscot Indians have been here, and seemed very cool to us, I find it will be quite impracticable to attempt any settlements there, especially after the alarm they have had that they are to be dispossessed of their country, however I have (in obedience to H.M. commands to endeavour that settlement) hired a schooner to go to Penobscot, and have write to a halfe Indian, half French Baron there whose name is Gasteine, to invite him and a Scotch Jesuit and some of the chief Indians to come to see me. I make no doubt of their coming upon my letter, because Gastein was as far as George's, coming hither, until he was there informed that I should use him ill, and take anything he had from him; this man has great influence among the Indians, and loves the Indians as much as he hates the Masachusetts people, who once treacherously invited him on board one of their tradeing vessels at Penobscot and carried him a prisoner to Boston and there kept him a long time, where he would have perished in goal if he had not been relieved and cloathed by Capt. Nelson, who knew his father, and assures me he was really a frenchman of quallity, forced to fly France for killing a gentleman, and went to Cannada, and being there pursued by the King's order, he took refuge among the Indians and married one, by whom he left several children. Capt. Nelson has given me a handsome letter to him *etc.* I told you in one of my former that the Penobscot tribe offered to trust me with 3 or 4 of their young Segamores, to be sent to see the Court of England, since which I have received a message from a younger brother of Gasteine *etc.*, that he desires to be one, provided that a gentleman *etc.*, who is frequently among them and was a Captain in the New England service in the last war with the Indians, be allowed to bear them company. If H.M. would allow of an expence for this, it may be the most probable means to gain their consent and friendship. Young Gasteen speaks French, and has had some education at Cannada. I hope in my next, wh. may be in January from Boston to give my Lords some pleaseing account of my interview wth. these gentry. Governor Tailer and the Committee passed in sight of this Fort to Georges, where they have another trucke house, but call it a fort, a little spot inclosed wth. stockades, at the expence of private people to carry on a trade with the Indians, wh. they being unable to support, gave it up to the Masachusetts Governmt., and is all they yet have to the eastward of Kennebeck River; As for their pretence to Indian purchases, one Capt. Nathanael, an Indian, who is a very senceible man and was a great Capt. in their warrs has lately told me that the Indian who pretended to sell Georges was onely chief of a tribe, and had no more power to sell that place or any land, than the Governour

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of Boston has to sell the whole Province, he says it is the received opinion of every Indian that by nature, each has an interest in every individual spot of ground, and that it is unalienable, but they agree for peace and order sake among themselves, to have certain rivers, ponds and tracts of land for their particular fishing and hunting; Capt. Nathanael brought me a compliment from an Irish jesuit who knew me in Spaine, and is now the priest of the Narridgewack tribe, and promises to visit me, and that no interest can make those Indians give me any disturbance.

Upon the 12th instant Governour Tailer with his Comittee came into this harbour *etc.* I wrote to him *etc.* as follows:— Fredericksfort Nov. 12, 1730. Presuming you have heard what passed between your Governour and me at Boston relating to this place *etc.*, I desire to know upon what account you are come hither; what passes upon this occasion must be in writing *etc.*; in the mean time I desire that no man with you approaches this fort *etc.* *Signed,* David Dunbar.

The answer. Lt. Governor Tailer of Col. Dunbar. Sloop *Endeavour*, lying in Pemaquid harbour. Nov. 12th. H.E. Governour Belcher *etc.* having directed and impowered me with other gentlemen to view this place and harbour, and note the circumstances and regulation of the inhabitants, and upon discovering of any fort or garrison here with the King's flagg flying to enquire who commands, and by what authority such fort or garrison was erected and is maintained. Pursuant therefore to such directions, these are to desire that you would acquaint us thereof, *etc.*

Col. Dunbar to Lt. Govr. Tailer. Nov. 12th. *Reply to preceding.* I do not find by your letter that Governor Belcher had made you acquainted with what passed between him and me, but it is his usual custome, haveing lately done the like upon my application to him, for an act to have the saw mills registerd, wch. he did not communicate to the House tho' I was sent to, to attend upon it. The first time I waited on him was only to congratulate him upon his arrival, the next time discoursing him upon the new settlemts., I offered to shew him H.M. powers and instructions to me relating to them wch. he declined to see; about 2 months after I made him the like offer in the presence of the King's Advocate Genll., and he refused it saying, That the King's Instructions were not laws, and signified nothing, for that H.M. ought to have had an act of Parliament to impower him to give such instructions *etc.*; that the King had not one acre of land to the westward of St. St. Croix, but all belonged to the Masachusetts Government, and that some Members in their Genll. Court were so sanguine as to propose to send 500 men to Pemaquid (for he knew it by no other name) to take the fort, bring all people away prisoners, and raze it levell with the ground. My answer was, that the King's Instructions would always justifye me, and I would

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obey them, and would be glad to see the man that dare oppose me ; that such a declaration as Governr. Belcher made about Instructions, was very extraordinary from a King's Governour ; and that as to those sanguine members who proposed sending down 500 men, if they could come with three times the number, not one man of them should dare to touch the least stone in the wall ; as for his knowing Pemaquid by no other name, it was no matter, I called it Fredericksberg, and H.M. by the Lords Commissioners for Trade and Plantations were pleased to comand me to give English names with English terminations to all the new settlements and therefore to change the name of Fredericksberg to Frederickstown or Fort, and I made choice of the latter ; I am now in the Fort and will defend it against any attack, until I receive H.M. orders to give it up, or some of his troops arrive from Annapolis to take possession of it, in the meantime I shall treat any people as enemys to the King, who shall offer to attack it *etc.* As to the present pretence to this place, some of the Gentlemen who came to claime it, should view it wth. shame and confusion, who have been the occasion of its having layne so long in rubbish, and one* of the said sanguine men amongst you who proposed levelling this fort, is thought to be the chief impediment to the rebuilding it many years agoe ; His being amongst you prevents my entertaining the rest of the Gentlemen as I willingly would. I avoyd conversing where he is that there might be no quarrel or dispute between us. I had expected that if your Governmt. had any pretentions to the eastward of Kennebeck River some notice would have been taken of my advertizement in the *Boston Gazette* of ye 19th of October last ; that was in pursuance of H.M. Instructions which shall allways be sacred to me, tho' they be lightly esteemed elsewhere *etc.* *Has represented* all this at Court. *Continues* :—The flag flying in this fort belongs to H.M. King George, and as for the rest of your questions, they are onely proper to be asked by the Governour of Nova Scotia. When I return to your Government which I propose by Christmas I have a complaint to make for endeavours used at your truck-houses to make a difference between the Indians and the people making these new settlements. I can sufficiently prove it *etc.* *Signed*, David Dunbar.

Continues :—Nothing more passed between us, the Gentlemen landed and walked about the towne and I before the gate of the Fort, at 2 next morning they sailed away *etc.* In accordance with Mr. Popple's letter of 7th May, he thinks it his duty to keep possession of the fort. *Continues* :—This moment the vessel by weh. I intended sending this to Boston is under sail so I must wait another opportunity.

Nov. 18th. Capt. Francis Xavier and Majr. Moxus two of the Penobscot Indians came to me from Espiguet their Leitut.

* Dr. Cook.

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Governour, and a great number of them, then at Madungoog 5 leagues off, to desire I would appoint a time to see them, I appointed the 20th, and they telling me there were 150 of them, I desired that onely 10 of the chiefs would come. The same afternoon Capt. Hanquid, a great Commander amongst them, and who claimed this part of ye country, came with one Peter who speaks English *etc.*, to see me, and stayed until the 20th, when Espiguët, Collo. Cæsar Moxus, Capt. Loron and others to the number of 30 came to the fort, and I entertained them at my own table, with which they were much pleased, but the two Chiefs seeming reserved, I was told they were enjoynd by Collo. Tailer not to talk to me more than to demand of me what busyness I had here, which they did with much seriousness. I answered that I was directed by King George to settle some of his subjects in this country; they replied, that they were informed I had no power nor orders, whereupon I produced and shewed them H.M. name and hand and seal to my instructions commanding me to send for them and tell them that the King had ordered me to live in friendship with them and allways to use them kindly and to encourage intermarriages between them and us; I reduced all that I sayd to them, to writing, that there might be no mistake, for they [*are*] apt to claim promises upon ye least grounds. I signed my name to it, and tho' we understood each other very perfectly by the help of Peter before-mentiond, I wrote to Capt. Gyles, the interpreter at Georges to explain it to them *etc.* (*v. enclosures*). They seemed exceedingly pleased at all that passed between us, and sayd Governour Tailer told them lyes, that they saw the King's hand and were satisfyed, and King George was welcome, and I was welcome, they asked for wine and when they tasted it, would drink nothing else until they made an end of my small stock, they sung and danced and often drank the King's health, they retired in the evening to houses appointed for them, and were entertained next day as before, at parting I gave rum and provisions to each of them, and to testifye their content, they sung and danced at the gate of the fort, and desired I would honour them with guns at parting, weh. I did twice, three at a time, for they went away in two partys, they sayd in 6 or 7 moons they would come to see me againe, and the Chiefs of them joynd in sending and presenting me with a black bever skinn. They told me they were made to believe yt. I resolved sitting down (as they called it) at Penobscot, but did not believe it for they would suffer no settlement there, and were very strong, besides another strong tribe at St. Johns not far from them. Major Peter, the interpreter (most of them take titles) told me privately that in a little time when the Indians would be better acquainted, and would not hinder settlemts. anywhere, and they were all glad I was come for they hated the New England men *etc.* Nov. 26th, several Indians came who told me they had no busyness

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etc., only desired to see me, and all take it as a favour and mark of friendship to have that liberty. I allways receive them with freedome weh. wins them much, these complained to me yt. Govr. Tailer and the Gentlemen wth. him at Georges onely spoke and made presents to two of their tribe weh. affronted all the rest, they are a dirty nauseous people, and I am almost sick of them. It is now the 30th of November; upon the 28th 3 vessels arrived here from Annapolis laden partly with wheat, pease, beef and pork the produce of the French settlemts. in the bottome of the Bay of Fundy, at Minas and other places, they are bound 2 to Boston, and one to York in the Province of Maine, they are full of complaints weh. they will soon send to my Lords Commissioners for Trade and Plantations, it is not for me to mention any of the particulars, tho' really their Ldsps. ought to be made acquainted with it, and least it may be ill taken of me to conceal any thing that concerns the publique, I take the liberty to mention the heads of their complaint, vizt., That the tradeing vessels in the Bay of Fundy are compelled to put into Annapolis to clear out for Boston and that great part of their ladeing is there taken out and for little more than halfe vallue, the 3 masters compute that they are, between them 200*l.* losers this year, besides many other tradeing vessels, and the pretence is to supply the garrison, weh. is victualled from Boston by a contract from England, whereas they might have fresh provisions much cheaper, if they would send to the French settlements, who now supply Cape Britton wth. corn and live cattle sent across to the other side of the Bay of Fundy, weh. is a very narrow land earriage, and there the French of Cape Britton take it in, it would be easy to prevent that trade with them, and if so, and they had no liberty of makeing fish in the neighbourhood of Canso, would much distress them; in some of my former letters I mentioned the growing strength of that place, there is one battery of 100 cannon, and whenever ye French have any designe upon the English settlemts., their ships and privetiers will be as secure there as at Toulon, it is incredible what vast expense they are at upon that barren island, and I am very well informed that the French at Quebeck and Mountreal, have fortifications and settlemts. on the east side of Cannada River, weh. ought to be the bounds between the English and them, the Indians here are so much influenced by the French at Cannada, that their choice of Governours here must be approved by the French Govr., weh. is exeerciseing a jurisdiction that some time or other may give 'em pretensions. I sent you a copy of a letter I wrote to Governour Philips pursuant of H.M. Instructions to me for applying to him for directions and assistance, and tho' he knew that the 3 vessels now here, intended to touch in here, he has not been pleased so much as to own the receipt of my letter, thus I might be served if all our lives depended upon him; the

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people are wearied out wth. expectations and watching and guarding here, many of the first comers are gone away discouraged, and those here being impatient to have lands assignd them wch. they might improve for themselves. I am forced to give ten acres to each man of red oak woodland near the Fort, wth. wch. they are much pleased, and willing to stay, otherwise not one man would remaine, the lands I have assignd is under no claim, nor was ever cleared.

The Irish Protestants who first petitioned H.M. for settlemts. to the eastward of Kennebeck river have been very importunate for lands. If I declar'd to them my power and how I am limittd, it would at once put an end to all proceedings here, to assign them lands is without power and against orders. I am putting them off wth. promises in hopes of letters from England by way of Boston from whence no vessel has arrived for 3 weeks past, so uncertain is the weather upon these coasts; If I do not suddainly receive directions relateing to these parts, it is impossible but I must abandon it, wch. would be matter of tryumph to the New England people, and mortification enough to me, wch. at present I do not stand in need of; the place where these people would settle is 15 miles up on the east side of Damariscotty river, whose intrance is within one league of this fort. I have not heard that anybody has claimd it except it be included in many tracts claimd by one Mr. Toppan, an Independant preacher who claims not less than four hundred thousand acres, and tho' at first he seemed pleased at my telling him he might have as much as he would of any part of it, upon the King's terms, I am now told he is goeing to England with a purse to joyn Mr. Waldo's sollicitation; One Brown a great pretended proprietor here, lately told me that the Muscougus Company (as they call themselves) who claim under him, when they applyed to him to purchase a large tract, he ownd to them, that altho' the lands they wanted to purchase were generally sayd to belong to him, he had no sort of title to them, they replyed it was noe matter, they would give him twenty pounds Boston mony to perfect a deed to them, and he being very poor, onely a broom maker, he accepted thereof, and this title now claims near 300,000 acres; several others are not better grounded. I hope 'ere this that my brother has had the honour to appear before my Lords Commissioners, and that ye last resolutions are taken relateing to these parts. The copy of Governour Philips's Instructions wch. is annexd to mine, refers to the Instructions sent to ye Govr. of Virginia wch. were not sent me, nor, in my humble opinion, can any of those instructions relate to me (as I have not so much as the power of a constable) except what mentions the Indians and fishermen; it was in pursuance thereof that I sayd what I have to the Indians, and if I am to go on, I presume presents will be sent me for them, tho' what they would like best would be some blankets, pro-

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visions, powder and shot for their hunting. I have given them as far as my ability, and as I had no orders for it, it is in the breast of my superiors whether I am to be refunded, as well as my expences in building this fort, which is not much, if the settlement goes on, it must be enlarged and built with lime, and guns sent to it. I will never mention more of it until I receive farther orders, but this that I am sure if it goes on and is encouraged, the first years quit rent, wch. will be due the 4th year, will be not so little as one million of acres, wch. will make upwards of 4000*l.* sterl., and wch. will be much a greater acknowledgment than the Crown has for all the rest of the Continent *etc.* The 30th article of Governour Philips instruction, directing that no settlements be made but what shall be 200 yards distance from the sea-coast, for the conveniency of the Fishery, will lay such inconveniencies upon sea-port towns as will greatly discourage buildings, particularly here wch. will be the properest scituation for the Metropolis, there are innumerable small islands all along this coast, and there may be fishing flakes upon them besides conveniencies sufficient contiguous to each seaport, and to ye full content of the fishermen, without depriveing the towns of the benefitt of the water, and annoying the inhabitants wth. the smell of the fish, nor would the fishermen desire to be near a crowd of people, but at places apart by themselves; if my Lords are pleased with these reasons, they will send me orders accordingly. Dec. 2nd. Yesterday by a vessel from Boston I received several English letters, but none from any of the Offices. However some of the letters give me ye pleasure to tell me that the New England claims are not to be allowd. I wish the certainty could be now declard, for usefull time is spending in vain, and many impatient expectants; then it may be hoped that this part may be settled, but I will presume to say it never will under the present restrictions, as depending upon Annapolis and Canso for Governmt., or titles to lands. I do not insist soe much upon this out of private views to myselfe, for I should be humbly contented that anybody was in my stead that would leave me as I was the day I imbarqued from England. I hope this will give no offence for none of H.M. servants can be more willing than I am to obey his commands. If my Lords Commissioners can have patience to hear this long narrative, pray lay it before them, with my duty. *Signed*, David Dunbar. *Endorsed*, Recd., Read 10th Feb., 173*½*. *Addressed*. *Holograph*. 14*½* pp. *Enclosed*,

533. i. A record of Col. Dunbar's Conference with the Penobscot Indians. Fredericksfort, Nov. 20th, 1730. *As described above.* *Adds*: I have ordered, that every white man being one of H.M. subjects who shall marry an Indian woman, and every white woman who shall marry an Indian man, shall receive 10*l.* sterl., besides other advantages *etc.* I promised that they shall never

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be molested in their hunting, travels or fishing, nor at any time wronged or imposed upon in their trade or truck of their furs *etc.* The claims of the Government of the Masachusets Bay to the lands and Government as far as St. Croix or Pasmaquoddy, had delayed my settlement and ability to trade with or give them presents, but in 6 months that matter would be made plain to them *etc.* *Signed*, David Dunbar. 2 pp.

533. ii. Col. Dunbar to Capt. John Gyles at the Truck House at Georges. Fredericksfort, Nov. 20, 1730. *Expresses* surprise at the false stories he, Col. Tailer, and others have told the Indians about his settlement *etc.* Hopes those who directed the Indians to ask what business he had there will be called to account. *Requests him* to explain paper (p. 348) to the Indians *etc.* *Signed*, David Dunbar. *Holograph.* 1 p. [C.O. 217, 6. ff. 1-10, 11-12v. (with abstract).]

- Nov. 18. 534. Order of King in Council. Appointing Henry Harrison
St. James's. to the Council of Virginia, in the room of Mr. Beverley decd. *Signed*, Ja. Vernon. *Endorsed*, Reed., Read 2nd Dec., 1730. 1 p. [C.O. 5, 1322. ff. 87, 88v.]

- Nov. 18. 535. Mr. Popple to Mr. Fane. Encloses copies of Charter
Whitehall. of Connecticut, and petitions of the Agents of the Colony and of Mr. Winthrop, "whereby you will see that the Colony desires the confirmation of their titles according to a law there, lately declar'd null and void here. My Lords desire your opinion *etc.*, whether the King can, by virtue of his Prerogative, and without the assistance of Parliament, gratify the said Colony in their request." [C.O. 5, 1294. p. 23.]

- Nov. 18. 536. Order of King in Council. Referring a representation
St. James's. of the Council of Trade proposing John Ashley for the Council of Barbados, and a letter from Governor Worsley against his being appointed, to the Committee of the Privy Council to examine and report thereon *etc.* *Signed*, Jas. Vernon. *Endorsed*, Reed., Read 2nd Dec., 1730. $\frac{3}{4}$ p. [C.O. 28, 21. ff. 146, 147v.]

- Nov. 19. 537. Lt. General Mathew to the Council of Trade and
Antigua. Plantations. I send herewith to Mr. Beak to be deliverd to your Lordships a list of negroes imported into St. Christophers, 25th Dec., 1726—25th Sept., 1730 ; Treasurer of St. Christophers accounts, Christmas, 1722—Midsummer, 1730 ; and 15 Naval Officer's Quarterly lists of all vessells trading to and from St. Christophers, 25th Dec., 1726—25th Sept., 1730, mentioning their ladings. I send to Mr. Yeamans to deliver, the duplicate of the act of Antigua for payment for slaves executed *etc.* Mr.

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Butler, the Agent for Nevis, will attend your Lordships with the Naval Officers lists of all vessells trading to and from Nevis and their lading, 25th June, 1720—1729. And Mr. Soulegre in behalf of Messrs. Lyndesay will lay before your Lordships the duplicate law of Montserat *for naturalizing John Lyndesay* etc. *Signed*, William Mathew. *Endorsed*, Recd 8th March, 173 $\frac{1}{2}$. Read 25th July, 1733. *Holograph*. 1 p. *Enclosed*,

537. i. Treasurer's accounts, St. Kitts, *as above*. *Total receipts*, 27,205*l.* 8*s.* 11*d.* *Payments* ; 29,216*l.* 5*s.* 11 $\frac{1}{2}$ *d.* *Signed*, Drewry Ottley, Treasr. *Endorsed as preceding*. 2 large pp.

537. ii. List of negroes imported into St. Kitts from Africa *as above*. *Total*, 4758. *Same endorsement*. 1 p. [C.O. 152, 19. ff. 169, 174*v.*—176, 177, 178*v.*]

Nov. 19.
Whitehall.

538. Mr. Popple to Mr. Carkesse. Encloses act of Virginia *for amending the staple of tobacco and for preventing frauds on H.M. Customs*, for the opinion of the Commissioners of Customs thereupon. [C.O. 5, 1366. p. 55.]

Nov. 19.
St. James's.

539. H.M. Warrant appointing Henry Harrison to the Council of Virginia in the room of Peter Beverley deed. *Counter-signed*, Holles Newcastle. [C.O. 324, 36. p. 245.]

Nov. 19.
Whitehall.

540. Mr. Popple to Col. Dunbar. I have by order of my Lords Commissioners prepared a long answer to all yor. letters not already answer'd, which they intend very shortly to take into their consideration. But as the inclosed Order to Mr. Belcher [*v.* 12th Nov.] forbidding him to proceed against the fort at Pemaquid *etc.* is of such a nature that no time ought to be lost in the transmitting of it to you, I am commanded to forward the same by this opportunity. My Lords hope that you will very shortly receive H.M. further orders upon the claim of the Massachusetts Bay to the land to the eastward of ye River Kennebeck *etc.* [C.O. 5, 916. p. 395.]

Nov. 19.
Antigua.

541. Lt. General Mathew to the Duke of Newcastle. *Refers to* letter of 13th Aug. *Continues* :—The Governor [*of Puerto Rico*] very strictly adheres to his resolution. An English snow from Ireland bound to Jamaica touch'd in her way at Antego, and thence pursuing her voyage was taken off of Saba by a Spanish privateer, whose Capt. had a commission from the Governor of Puerto Rico. The snow was loaden with provisions and one Benson was master of her. This capture was made the beginning of October last. On board the Spaniard Benson saw an Englishman master of a sloop they had taken three or four days afore. He was then piloting the Spaniard for Sandy Point Road in St. Christophers, they intending to cut out from

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thence a large ship there, Wm. Harris Commander. This last prize prevented that design, but they told Benson it was only delayd, for they wanted vessels to load with cacao for Old Spain. H.M.S. *Scarborough* is gone down to prevent this insult, tho' Capt. Barnesley who commands her, says if he meet this privateer and she have a commission, he cannot meddle with her, *etc.* Signed, William Mathew. Endorsed, R. April 26, 1731. Holograph. 2 pp. [C.O. 152, 43. ff. 141, 142, 142v.]

Nov. 20.
Barbados.

542. Governor Worsley to the Duke of Newcastle. As the last years Excise bill was near expiring, in order to prepare another, I called a new Assembly which was chose the 16th instant. I have inclosed to your Grace my Speech to them, but have not yet had their address in answer to it, tho' on the occasion of my recommending to them in obedience to H.M. Orders in Council the immediate payment of what has been found due upon proper vouchers, by myself, and the Council, to the former and present Secretaries *etc.*, they addressed me to lay copys of those accounts before them, which I have refused, in that I had no order so to do, besides I think it contrary to my 32d. Instruction, this was the dispute two years ago betwixt the Council and Assembly on the passing an Excise bill, and it having been determin'd in favour of the Council, I am surprised to see them attempt any thing of the same nature again, at the same time I told the two Assembly-men who came to me with the Address that I would transmit it home in order to be laid before H.M. for his commands thereon, tho' this they have not put in their minutes. I mentioned in my Speech to the Assembly their not having complied with the Queen's Order in Council in relation to the Act for supporting the honour and dignity of the Government, in as tender a manner as I could, by given them a hint in what manner they might rectifye the past errors. A merchant of this island sent from hence [*to Sta. Lucia. Ed.*] English carpenters, with iron work, plank, masts, sails, cordage, and all necessarys for building and fitting a ship to sea, the timber only excepted, and afterwards made application to me to register her, which I refused. I hear since he has made application to the Commissioners of the Customes in London, the occasion of my conduct in this affair was not to give the French a handle of complaint for assuming for the King my master the property of that island when I know by the convention betwixt the late regent of France and the late Earl Stanhope it is left undecided, as also upon the Treaty made betwixt the Duke of Montegues Governour, and the French Governour of Martinique when it was evacuated on both sides, as I am very unwilling to prejudice the commerce and at the same time I must be very cautious how I act in an affair of so nice a nature, therefore beg your Grace will be pleased to let me know H.M. commands thereon for my future conduct *etc.*

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Signed, Henry Worsley. *Endorsed*, 18 Feb. 3 pp. *Enclosed*,542. i. Speech of Governor Worsley to the Council and Assembly of Barbados. *Described in preceding*. *Copy*. 3 pp.542. ii. Address of the Assembly to Governor Worsley. 20th Nov., 1730. Pray him to lay before the House the accounts of the Secretaries, Lord Micklethwaite, Francis Whitworth and William Webster, the payment whereof is recommended in his Speech. *Copy*. *Signed*, Robt. Warren, Cl. of the Assembly. *Copy*. $\frac{3}{4}$ p. [C.O. 28, 45. ff. 127-130, 131.]Nov. 20.
Barbados.**543.** Governor Worsley to the Council of Trade and Plantations. Duplicate of No. 542, *mutatis mutandis*, and concluding with *so nice a nature*. *Signed*, Henry Worsley. *Endorsed*, Reed. 9th Feb., Read 24th Aug., 1731. 3 pp. *Enclosed*,543. i., ii. Duplicates of encl. i, ii preceding. *Same endorsement*. [C.O. 28, 22. ff. 79-83, 84v.]Nov. 20.
New York.**544.** Governor Montgomerie to the Council of Trade and Plantations. *Abstract*. *Regrets* that he did not receive their answer to his of Sept. 2, 1729 till the end of Sept. last. This led him to think he had induced the Board to alter their opinion as to the disposal of the interest and therefore to give his assent to the act of New Jersey *to enforce the payment of the incidental charges of this Government etc.* *Comments* upon it and other acts passed last session, viz. (i) *An Act for the more speedy recovery of legacies*; (ii) *for securing the freedom of Assemblies*, which the Council unanimously intended to reject, but passed in order to keep the Assembly in good temper, considering that there would be time to lay it before H.M. before it could be put in practice. The majority of the Representatives, especially the Quakers, were violently earnest for it, arguing that by the King's Letters Patents acts of the Province are directed to be as near as may be agreeable to the laws of England, and that this act providing in relation to our Assemblies what is done in Great Britain relating to Parliaments, must be warranted by those Letters Patents *etc.* (iv) *An act for appropriating the money directed to be raised by the Act for the additional support of Government and for raising a further support of Government for one year*. (v) *An explanatory Act of the act relating to highways and bridges*. (vii) *An act for preventing small stone horses running at large*. (viii) *for settling the militia*. (ix) *for building a town house and goal in the county of Monmouth*. (x) *for preventing lotteries and regulating pedlars*. (xi) *for naturalising Christina Elrington etc.* (xii) *for better enabling divers inhabitants to hold lands and to invest them into the privileges of natural born subjects*. (xiii) *for regulating of fences*. (xiv) *An act imposing a duty on*

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persons convicted of heinous crimes, and to prevent poor and impotent persons being imported etc. This act was thought absolutely necessary because of the many felonies committed of late years by convicts imported from Great Britain and Ireland. (xv) *An act the better to enable the inhabitants to support the Government, discharge their engagements in the loan office etc., by making currant 20,000l. in bills of credit.* He did not give his assent till a suspensory clause was added. Gives arguments in favour of it. *Encloses* Address of Representatives for a separate Governor. The Assembly in 1728 was full of the scheme, but many who were then very hot, begin now to cool about it, and several counties are preparing addresses against it. He has not had any opportunities of sending letters for several months. He could not get the acts and minutes of the Assembly out of the printers' hands till last week, the presses in this country being very slow and ill managed. The Assembly of New York is adjourned till the second Tuesday in March. *Printed*, N. J. Archives, 1st. Ser. V. 285. *Signed*, J. Montgomerie. *Endorsed*, Reed. 27th Feb., Read 16th June, 1731. 9 pp. *Enclosed*,

544. i. Address^s of Assembly of New Jersey to the King. *Continue*:—It would much more conduce to the benefit of this Province and be no prejudice to that of New York, were their Governours, as are the Governments, distinct. It is a peculiar happiness many of our fellow subjects enjoy to be near your Royal person and to partake of the immediate influence of so good a Government, but since our distance deprives us of that great benefit, it might (we humbly hope) in some degree be recompenc'd, by having a person cloath'd with your Majesty's authority constantly residing amongst us. This we cannot expect whilst under the same Governour with New York, that Government necessarily taking up so much of our Governour's time, that but a small part of it can fall to our share: and his residence being chiefly there, renders application to him from hence, on ordinary occasions difficult, and in extraordinary cases (however willing) he may be unable to releive untill the affairs of that Province will permit his coming into New Jersey. Under the like difficultys (and for the like reason) we have laboured in respect to our principal officers who have formerly been inhabitants of that Colony, which not only renders them less usefull in their several stations, but by spending their sallarys there, drained us of money which would otherwise have circulated amongst us. Our having the same Governour at first, was (as we humbly conceive) because this Province was then in its infancy, the inhabitants few, and it might justly have been thought too heavy a burden to maintain a

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Governour of our own ; but since we are now much more numerous and are as able, and willing to support one, as divers of our neighbouring Colonys who enjoy that benefit, we are humbly of opinion the granting this Colony such a Governour, might tend to encrease our wealth, and put us in a condition to emulate our neighbours in trade and navigation. Nothing we here say proceeds from any dissatisfaction to our present Governour *etc.* *Signed*, By Order of the House, 4th 5 mo., 1730, John Kinsey, junr., Speaker. *Endorsed as preceding.* *Copy.* 3 pp. [C.O. 5, 972. ff. 214-220v.]

Nov. 21. **545.** Memorial of loss and damage (328*l.* 14*s.* 7½*d.*) sustained by Thomas Williams of Boston by the loss of goods taken in the *Anne* (v. 6th Aug.) consigned to him from London. Deposition, *signed*, Saml. Maceby of London, broker. *Endorsed*, Recd. 2nd, Read 18th Feb., 1731. 1½ pp. *Enclosed*,

545. i., ii. Invoice and bill of lading of foregoing. [C.O. 388, 93. Nos. 5, 5-i, ii.]

Nov. 23.
Whitehall.

546. Order of Committee of Privy Council. Referring following to the Council of Trade and Plantations "to consider of the properest methods to render the same of most service to the Publick." *Signed*, Ja. Vernon. *Endorsed*, Recd., Read 3rd Dec., 1730. 1¼ pp. *Enclosed*,

546. i. The humble petition of the Right Honoble. the Lord Viscount Percival, the Honoble. Edwd. Digby, the Honoble. George Carpenter, James Oglethorpe, George Heathcote, Thomas Tower, Robert More, Robert Hucks, Rogers Holland, William Sloper, Francis Eyles, John Laroche, James Vernon, William Belitha Esqrs., the Reverend Mr. Stephen Hales, John Burton, Richard Bundy, Arthur Bedford and Samuel Smith, Mr. Adam Anderson and Thomas Coram,* Humbly sheweth, that the Citys of London and Westminster and parts adjacent abound with great numbers of indigent persons who are reduced to such necessitys as to become burthensome to the publick, and who would be willing to seek a livelyhood in any of your Majesty's Plantations in America if they were provided with a passage and means of settling there. That your petitioners being desirous of promoting an undertaking so beneficiall to the publick and well assured of considerable contributions for carrying on the same do humbly represent to your Majesty that they are willing to undertake the trouble and charge of transporting such poor persons and familys provided they may obtain a grant of lands sufficient for that purpose together

* For Coram and his previous proposal for *Georgia*, see C.S.P. 1716-17. *Preface.*

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with such powers as shall enable them to contract with persons inclinable to settle in America and to receive the charitable contributions and benefactions of all such persons as are willing to encourage so good a design. And we further humbly represent to your Majesty that great tracts of land within the limits of South Carolina are by the agreement between your Majesty and the late Proprietors of that Province vested in your Majesty and that on the southern part of the said Province the whole tract of land between the River Savanna and Alatomaha hath been hitherto unsettled by reason of oppositions given to them from their Indian and other neighbours and that it would be of great service to your Majesty's Province of South Carolina and in some measure to all your Majesty's Plantations on the Continent to which this Province is a southern frontier that there should be such a settlement on the said lands as would be capable of defending themselves against any invasions. And by being a barrier to South Carolina will occasion the taking up and settling many hundred thousands of acres of your Majesty's land lying between the said proposed settlement on the River Savana and Charles Town which for want of such protection have hitherto remained wast and uncultivated and in particular that large and fruitful tract called the Yamesee lands *etc.* *Pray for* grant of said tract of land and a Charter of Incorporation "whereby they may be enabled to enter into contract with such familys as will settle thereon, and to receive the charitable benefactions of all such persons as are desirous to promote so good a work and likewise to be enabled to form such by-laws as will be necessary for the well ordering of the said intended Colony." 21 *signatures of above petitioners.* *Copy.* 3 pp. [C.O. 5, 362. ff. 2-4, 5v.]

Nov. 23.
Admiralty
Office.

547. Mr. Burchett to Mr. Popple. My Lords Commissioners have referred to Dr. Sayer, their Advocate in the High Court of Admiralty, the proceedings against Jeremiah Foolsome, *etc.* (v. 19th Aug. encl. ii). Asks for copy of Instructions of Governor of New Hampshire relating to the felling of wood *etc.* *Signed,* J. Burchett. *Endorsed,* Recd. 23rd, Read 25th Nov., 1730. $\frac{3}{4}$ p. [C.O. 5, 871. ff. 228, 229v.]

Nov. 23.
Whitehall.

548. Order of Committee of Privy Council for Plantation Affairs. H.M. having been pleased by his Order in Council of the 12th instant to referr unto this Committee a representation from the Lords Commissioners for Trade and Plantations for H.M. confirmation of an Act past in the Island of Jamaica

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“to prevent dangers that may arise from disguised as well as declared Papists,” their Lordships *etc.* order that the said act and representation be referred to Mr. Attorney and Solicitor Generall for their opinion upon the said act *etc.* *Signed*, Temple Stanyan. *Endorsed*, Reed. 10th, Read 11th Aug., 1731. 1 p. [*C.O.* 137, 19. *ff.* 82, 85v.]

Nov. 23.
Council
Office,
Whitehall.

549. Mr. Vernon, one of the Clerks of the Privy Council, to Mr. Popple. The Lords of the Committee of Council having appointed 21st Jan. to hear Counsell upon two petitions from Barbados and traders to the Sugar Islands, and three others in behalf of the Northern Colonies *etc.*, and their Lordships apprehending that the matter in dispute between them is of great consequence to the trade of Great Britain, as well as to the interest of the Sugar Islands, are desirous that the Lords Commissioners for Trade *etc.* would be present *etc.*, and transmit copies of the said petitions that they may be fully apprised of the matters complained of *etc.* *Signed*, Jas. Vernon. *Endorsed*, Reed., Read 1st Dec., 1730. 1 p. *Enclosed*,

549. i. Petition of the Planters, Traders and other inhabitants of Barbados to the King. This your Island of Barbados was the first settled and mother of all your Majesty's Sugar Colonys and has for many years past been a very profitable Colony to Great Britain not only from its produce and import of sugar rum melasses cotton ginger and alloses into Great Britain the taking off from thence great quantitys of woollen and other manufactures and goods that pay dutys to the Crown (which by means of the Barbados trade are not only consumed amongst the inhabitants here but are also exported from Great Britain to Africa Madera and the Northern Colonys for the purchase of negroes wine fish and other goods for the use of this island and thereby numberless hands have been employed in your Majesty's Kingdoms and Territorys and great revenues have accrewed and do still continually accrew to the Crown) but has also been a great support to your Majesty's Northern Colonys and given a very great and profitable vent to their Fishery and other produce and also to the produce of Ireland besides employing in those severall trades great numbers of shipping and seamen on which the wealth and safety of the British Nation does so much depend, and after all leaves a considerable ballance in England to the benefit of the national stock. Within these few years great improvements have been made by the Dutch and French in their Sugar Colonys and great and extraordinary encouragements have been given to them not only from their mother countrys but also from a pernicious trade

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carried on by them to and from Ireland and the Northern British Colonys and the French do now from the produce of their own Sugar Colonys actually supply with sugar not only France itself but Spain also a great part of Ireland and the British Northern Colonys and have to spare for Holland, Germany, Italy and other parts of Europe and the French and Dutch Colonys have lately supplied the Northern British Colonys with very large quantities of melasses for the making of rum and other uses and even with rum of their own manufacture to the vast prejudice of your Majtys. Sugar Colonys as rum is a commodity on wch. next to sugar they mostly depend, and they have in return for such sugar rum and melasses, shipping, horses, boards, staves, hoops, lumber, timber for building, fish, bread, bacon, corn, flower, and other plantation necessarys at as easy or easier rates than yor. Majtys' subjects of the Sugar Colonys have ; for the continual supplys reced. by the Dutch and French from the Northern British Colonys have enabled them to putt and maintain a greater number of slaves on their plantations and to enlarge their sugar-works and make new settlements in new fertile soils and at the same time cost little being now purchased chiefly with melasses which before this late intercourse between the foreign Colonys and the Northern British Colonys were flung away as of no value, and thus the foreign Colonys are daily improving while your Majesty's Sugar Colonys are apparently declining and instead of supplying as they used to do France and Holland with sugar they are now almost confined to the home consumption of Great Britain and are in a great measure excluded from the Kingdom of Ireland and the Northern Colonys who instead of sending their produce as usuall to your Majesty's Sugar Colonys and taking sugar and rum in return do now often send it directly to the foreign Colonys in exchange for the produce of those foreign Colonys, and when they do send their produce to the British Colonys they insist upon being paid for them in cash which they export and lay out among the foreign Colonys in the purchase of the very same goods that they formerly used to supply themselves with from your Majesty's own Sugar Colonys to the enriching the foreign Colonys and impoverishing your Majesty's *etc.* The subjects of Foreign Powers have particular advantages over them *etc.* :—(i) The French and Dutch pay much less dutys both at home and in their plantations, whilst your Majesty's subjects of this Island are at a very great expence to keep up

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their fortifications and militia *etc.* exclusive of the $4\frac{1}{2}$ p.c. *etc.*, without any charge to the Crown. (ii) The French Sugar Colonys are permitted to trade to the Spanish islands of Margueritta, Trinidad and Porto Rico and also to carry their improved sugar at a duty of 1 p.c. upon exportation directly to any one of the Spanish ports in Europe without first importing them into France, whilst your Majesty's subjects are excluded from trading directly to any of the Spanish ports and are obliged to carry their sugar first into Great Britain (after paying a duty of $4\frac{1}{2}$ p.c. in specie here upon exportation) before they can carry them anywhere else, and are obliged upon exporting them afterwards from Great Britain to leave in England a duty of near 2 p.c. and are putt to the risque of a double voyage besides the charge of it which amounts to above 20 p.c. more. (iii) They pay upwards of 10 p.c. more than the French or Dutch do for what sugar is carryed to your Majty's Northern Colonys *etc.*, by which means these Colonys are most supplied with foreign sugar to the prejudice of the Plantation dutys being part of the aggregate fund, which might otherwise be greatly encreased, and altho' the French and Dutch do so vent their sugar as well as their rum and melasses to the Northern Colonys, yet yor. Majty's subjects of the Sugar Colonys are restrained from venting their produce to any of the French or Dutch Colonys and at the same time your Majesty's subjects of the Northern Colonys and Ireland have that advantage. (iv) The French subjects do actually send great quantity of sugar and other goods directly to Ireland without first importing them into Great Britain and paying a duty there to your Majty., which your Majty's subjects of the Sugar Colonys are obliged to do and they are supplied with beef and other provisions directly from Ireland on as easy terms as your Majty's subjects are *etc.* Your Majesty's subjects of your Sugar Colonys have already suffered very much and must inevitably be undone thereby unless yor. Majty. will in yor. great goodness interpose and save them from the ruin now impending over them, which yor. Petrs. humbly conceive may be effected if order be taken to prevent any sugar, rum or melasses of the growth produce and manufacture of foreign Plantations from being imported into Ireland or any of the British Plantations or Colonys in America until they have been first imported into Great Britain and paid such dutys there to your. Majty. as those commodities are now liable to or that your Majesty's subjects of your

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- Sugar Colonys may have the like advantages in these branches of commerce as the subjects of Foreign Powers now actually have *etc.* *Pray for relief etc.* 115 *Signatures.* *Endorsed as preceding.* *Copy.* 5 *pp.*
549. ii. Petition of several Merchants, Planters and others interested in and trading to the Sugar Colonys in America to the King. Pray that goods from the Foreign Sugar Plantations may be prohibited from being imported into Ireland on H.M. Plantations *as preceding.* 87 *Signatures.* *Same endorsement.* *Copy.* 1 $\frac{3}{4}$ *pp.*
549. iii. Petition of Ferdinando Paris of London Gent. in behalf of the inhabitants of, and merchants and traders to Pensilvania to the King. Learning that some such application *as preceding* is intended to be made, and as such restraint would greatly impoverish if not totally ruin many thousands of H.M. subjects in the Northern Colonys and particularly in Pensilvania, *prays that* the said Province may have an opportunity (which yet it hath not had) of knowing what is objected to its trade by the Sugar Islands and a convenient time allowed to return its answer thereto, and that afterwards Council for Pensilvania may be heard before anything be done *etc.* *Signed,* Ferd. John Paris. *Same endorsement.* *Copy.* 1 *p.*
549. iv. Petition of Richard Partridge, Agent for New Jersie, Rhode Island and Providence Plantations, to the King in Council. London, 2nd Nov., 1730. Whereas there has been of late a petition from the Island of Barbados presented thee, against the Trade of the Northern British Colonys *etc.*, Petitioner prays to be heard by his Council against the allegations of said petition *etc.* *Same endorsement.* *Copy.* $\frac{3}{4}$ *p.*
549. v. Petition of London merchants trading to and interested in Massachusetts Bay, New Hampshire, New York and N. and S. Carolina. *Refer to* the Barbados petition and *represent* that most of the suggestions in it are mistaken in the matters of fact and the apprehensive consequences they draw therefrom are without the least foundation, as will fully appear when Petitioners are heard by their Council. The trade carried on by the Northern Colonies is very advantageous to this Nation and H.M. Revenues, "and if the same should be thrown under difficultys at the request of your Majty.'s Sugar Colonys much greater prejudices would thereby arise not only to the inhabitants and trade of your Majesty's Northern Colonys but also to the commerce and trade of your Majesty's Kingdom of Ireland and to the generall trade

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and navigation of this Kingdom, and also to your Majesty's Revenues, than any advantages that would thereby arise to your Majesty's Sugar Plantations could counterbalance." *Pray to be heard by their Council against the Barbados petition etc.* 42 signatures. *Same endorsement. Copy.* 1 $\frac{3}{4}$ pp. [C.O. 28, 21. ff. 132, 133v.-136, 137v.-138v., 139v., 140, 141, 142, 142v., 143v., 144v., 145v.]

Nov. 24.
Whitehall.

550. Duke of Newcastle to the Council of Trade and Plantations. *Encloses following*, for their further report, "what further directions are proper to be given for the effectual execution of H.M. most gracious intentions, for the preservation of peace and good order among his subjects in that Colony." *Signed*, Holles Newcastle. *Endorsed*, Reed. 25th, Read 26th Nov., 1730. 1 p. *Enclosed*,

550. i.-vi. Governor of Newfoundland to the Duke of Newcastle, *with enclosures. Copies of* 25th Sept. *supra. Endorsed as preceding.* [C.O. 194, 9. ff. 1, 2-4v., 5v., 6, 7, 7v., 8v., 9v.-12v., 13v.-14v., 19v.]

Nov. 24.
Antigua.

551. Lt. General Mathew to the Council of Trade and Plantations. *Encloses Act of Antigua continuing John Yeamans as Agent for three years, similar to former act, and Minutes of Council of Nevis, 5th Jan.—25th Aug., 1730. Signed*, William Mathew. *Endorsed*, Reed. 17th June, Read 22nd July, 1731. 1 p. [C.O. 152, 19. ff. 58, 61v.]

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552. Mr. Fane to the Council of Trade and Plantations. He cannot pretend to say whether the King by virtue of his prerogative can do what is desired by the Agents for Connecticut. But supposing he could, *suggests* that it would be more for H.M. service to take the assistance of Parliament, as that method will be the least liable to objection *etc.* *Signed*, Fran. Fane. *Endorsed*, Reed. Read 24th Nov. 1730. 1 p. [C.O. 5, 1267. ff. 214, 215v.]

Nov. 24.
Whitehall.

553. Council of Trade and Plantations to Sir William Strickland, Secretary at War. In pursuance of Gov. Philipps' Instructions, desire an order for detaching 40 men with officers from his Regiment to protect Col. Dunbar *etc.* [C.O. 218, 2. p. 221].

Nov. 24.
Whitehall.

554. Mr. Popple to Mr. Attorney and Mr. Solicitor General. The Council of Trade and Plantations desire you will hear Mr. Paxton, in behalf of the King, and the Agent of the Massachusetts Bay, upon their claim to the land between the rivers Kennebeck and St. Croix *etc.* [C.O. 5, 916. p. 396.]

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Nov. 25. **555.** *Same* to Dr. Sayer. Encloses copy of Governor Belcher's Instructions relating to the cutting of wood in New Hampshire, as requested by Mr. Burchett. [C.O. 5, 916. p. 397.]

Nov. 25. **556.** Council of Trade and Plantations to the King. Propose Othnel Haggot for the Council of Barbados, in the place of Timothy Salter, deed. [C.O. 29, 15. p. 215.]

Nov. 25. **557.** Memorial of loss and damage (90*l.* 2*s.* 6*d.* sterl.) sustained by Thomas Williams of London, merchant, owner of goods shipped on board the *Richmond* for Thomas Williams in Jamaica, taken off Jamaica, April 1728, by a Spanish privateer. Deposition, *signed*, Thomas Beckford. *Endorsed*, Reed. (from Edmund Anguish) 19th Dec., 1730. 1½ pp. *Enclosed*,
 557. i.-iv. Invoices, bill of lading and letter from Thomas Williams relating to foregoing. 5 pp. [C.O. 388, 92. Nos. 18, 18 i-iv.]

Nov. 26. **558.** Council of Trade and Plantations to the Duke of Newcastle. Enclose copy of Governor Hunter's letter and papers relating to the *Genoesa* (v. 19th Sept.) [C.O. 138, 17. p. 305; and (the papers enclosed) 137, 47. ff. 69, 71-73.]

Nov. 26. **559.** Governor Philipps to the Duke of Newcastle. *Begins* with duplicate of Sept. 2nd and *concludes* with acknowledgment of receipt of the articles of Peace with Spain *etc.* *Signed*, R. Philipps. 9 pp. *Enclosed*,
 559. i. Account of fishing vessels cleared from Canso, Sept. 7, 1730. 4 large pp.
 559. ii. Duplicate of oath of allegiance, Sept. 2. encl. iii. 4 pp.
 559. iii. Duplicate of Sept. 2nd encl. ii.
 559. iv. Representation of René Charles de Breslay, Curé of Annapolis River, to Governor Philipps, 23rd Dec., 1729. Duplicate. *French.* 5 pp. [C.O. 217, 39. Nos. 3, 3 i-iv.]

Nov. 26. **560.** Council of Trade and Plantations to the Duke of Newcastle. *Reply to Nov. 24.* Capt. Osborn is very shortly expected in town. We shall then be able more fully to make our report *etc.* *Autograph signatures.* 1 p. [C.O. 194, 23. No. 40; and 195, 7. pp. 253, 254.]

Nov. 26. **561.** *Same to Same.* Enclose following to be laid before H.M. *Autograph signatures.* 1 p. *Enclosed*,
 561. i. *Same* to the King. In obedience to your Majesty's commands (Oct. 22nd), we have considered the several clauses of a paper lately communicated by the Guard

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des Sceaux in France to the Lord Waldegrave ; and we had already formed our opinion upon them when your Majesty's further commands were communicated to us *etc.* (13th Nov.) with three other papers upon the same subject *etc.* These several papers relate principally to the evacuation of Snt. Lucia, Snt. Vincents and Dominico ; and by the first of them, in addition to the orders already approved for that purpose by your Majesty, the French propose that the ships of both Nations should be forbid to anchor at any of the aforesaid Islands under penalty of confiscation, except only to supply themselves with wood or water in cases of necessity : against which clause we should now have offered our objections had it been still insisted upon by the Court of France, because your Majesty will never be induced to enter into any agreement not sufficiently warranted by the laws of the Realm, which have always been the rule of your Royal actions ; and therefore we should have proposed that this prohibition might have been guarded only by the pain of incurring your Majesty's displeasure. But we are glad to observe from the last papers which have been communicated to us on this subject that the French do now recede from this demand, and that their order of evacuation is couched in the same terms which we should have proposed. In the last papers transmitted from France there are likewise some observations upon your Majesty's order for the evacuation of Snt. Lucia, Snt. Vincents and Dominico, wherein it is recited that the French had of late set up a title to these Islands, which it seems they now disclaim with respect to the two last, pretending that the right to them is in the native Caribbeans. For the sake therefore of tallying with the French in this particular as well as the former (considering that it can be no prejudice to your Majesty's title to the said Islands) we have drawn a new order of evacuation free from the objections made to our former draught (*v.* Sept. 24), by the Court of France, which we humbly submit to your Majesty's consideration, and thus all difficulties being cleared up in order to the evacuation of these three Islands, till your Majesty's title to them shall be made out, we presume the French Court will make no further delay in the execution thereof. But there are still other matters contained in the papers lately received from France which remain to be considered, and are of very great importance, namely, their demand that the Island of Snt. Cruz should be evacuated, and that your Majesty's subjects should be

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absolutely forbid to settle on the Island of Tobago, to both which Islands His Most Xtian Majesty pretends he has an incontestable right. When we first considered this proposition we were inclined to beleive the French Ministers intended that these Islands of Snt. Cruz and Tobago should be put in the same state of neutrality with the other three, and included in the same order of evaeuation; to which we should not have had any great repugnance, altho we do not know that your Majesty's title to Tobago was ever before publickly contested by the Court of France; and we hope we shall at least be able to prove that your Majesty's right to this last mentioned Island is built upon a foundation which will admit of no competition. With respect to Snt. Cruz the French may perhaps have more to say; but we hope not enough to invalidate your Majesty's claim to it; which will best appear, when we shall have prepared, as we shortly propose to do, a state of your Majesty's title both to this Island and Tobago. But in the mean time it is plain that what the French demand upon this subject would amount to a renuneiation of your Majesty's right to both those Islands, which we conceive to be highly unreasonable, and we presume your Majesty will never be brought into a conceSSION so derogatory to your right and Royal interest. As to the contraband trade said to be carried on by your Majesty's subjects, even under the protection of British men of war, to Martinico, Guardalupe and the french part of St. Domingo, we have hitherto received no intelligence of any such fraudulent commeree, and we hope there is no just foundation for this complaint: But your Majesty can be no loser by granting all the french Court desires upon this occasion, since any commeree that can be carried on contrary to Treaties subsisting between the two Crowns, will generally speaking be more detrimental to the interest of Gt. Britain than to that of France. *Autograph signatures. Endorsed, Copy sent to E. Waldegrave. Nov. 30th, 1730. 7 pp.*

561. ii. Draught of H.M. Instruction to the Governor of Barbados. Whereas the French for some years have claimed a right to the Island of Sta. Lucia, and do insist that the right to the Islands of St. Vincents and Dominico under your Government, is in the Caribbeans now inhabiting the same, altho' we have an undoubted right to all the said Islands, yet We have thought fit to agree with the French Court, that until Our right shall be determined, the said Islands shall be entirely evacuated by both Nations; It is therefore Our will

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and pleasure *etc.* as Sept. 24 *supra*, but with following clause added :—And you are to use your best endeavours that no ships of our subjects or of any other Nation do frequent the said Islands during the time aforesaid, except only for wood and water. *Endorsed*, Sent to the E. Waldegrave, Nov. 30, 1730. $1\frac{3}{4}$ pp. [*C.O.* 152, 40. Nos. 32, 32 i, ii ; and 29, 15. pp. 216–223.]

Nov. 26.
Annapolis
Royall.

562. Governor Philipps to Mr. Popple. *Reply* to letter of 20th May. *Regrets* that the oath of allegiance administered to the French inhabitants of this river, should be thought not to have all the force that was intended. *Continues* :—The oath which I find in the printed books of the neighbouring provinces consists of few words, vizt. I promise to be true and faithfull and to bear true allegiance to H.M. King George, so help me God ; which I have truly translated with the addition of the words, Je jure en foi de Chrétien, to make it stronger, and afterwards to make it more significant to the circumstances of these people I added ; que je reconnois pour le Souverrain Seigneur de la Nouvelle Ecosse et de l'Accadie, but the objection you mention turning upon the word, fidelle, as referring to a dative case the words, au Roy, should immediately follow ; To which I answer that according to grammar (as I understand it) the conjunction couplative, et, placed between the words je promets et jure que je seray entierement fidelle, and, obeirai vraiment a sa Majesté le Roy George, makes both refer to the person of the King ; and I am assured by French men that both, fidelle, and, obeir, do govern a dative case, if so then the oath I have fram'd is stronger than the originall English. And when ever the French Jesuits go about to explain away the allegiance of these people, they will make use of an argument more suitable to their principles that no oath is binding on a Papist, to obey what they call a heretick Prince. You will observe the oath administr'd since to the main body of the inhabitants up the Bay to be vary'd and not liable to that objection, the reason was their boggling at the word, obey, as being of too large a signification, but I think they gain'd nothing by the alteration. I am now to congratulate you on the widdows being put under your care which I heartily wish may be true. I have sent you two quintalls of fish which I hope will go safe to your hands in good order. *Signed*, R. Philipps. *Endorsed*, Reed. 23rd Feb., Read 23rd Nov., 1731. $2\frac{3}{4}$ pp. [*C.O.* 217, 6. ff. 68–69v.]

Nov. 26.
Annapolis
Royall.

563. *Same* to the Council of Trade and Plantations. *Begins* with duplicate of Sept. 2nd. *Acknowledges* letter of 20th May and H.M. Instructions for settling the Province. *Continues* :—I have receiv'd a letter a few days ago from Mr. Hintz, dated at Rotterdam ye 13th of July, which came to my hands open after being handed about by the people of Boston, signifying

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that he had severall Palatine families ready to embarque for Nova Scotia; I have yett no tideings of their arrivall on the coast, which gives me pain for them, they could not come here in a worse year of scarcity of all provisions, the grain haveing fail'd and the merchants (disappointed of their returns in corn as usuall) have slaughter'd store of both cattle and sheep up the Bay, to transport to Boston; I cannot expect those people now till next Spring, when they shall be taken the best care of that is in my power. *Acknowledges* Instructions for Col. Dunbar and encloses correspondence with him. *Continues*: I am inform'd that the people of Boston make it their business to discourage the settlement of this Province, by speaking ill of the country, by which means they did this last summer prevaile on about fifty familys bound for this Province to change their minds and the wealthiest of them transported themselves to Carolina, and the poor ones are now begging about Boston streets. I have wrote to the Governour on this head and wish those Palatines that are to follow could be advertised to steer their course directly to this place, under direction of a pilote, to avoid touching at Boston, where they will likely be seduc'd. Being now much indispos'd and fatigued with voyageing from allmost one end of the Province to t'other, and the vessells here being in haste to gett home 'tis almost as much as I'm able to do to prepare duplicates of what papers were sent from Canso, from which place I had the honour of writeing to your Lordships, and I am to acquaint you, that this duplicat of the inhabitants up the Bay's submission contains the additionall names (mark'd therein) of those who I mention'd not to be come in, at that time, so that there remains now not more than five or six scattering familys on the Eastern coast, to compleat the submission of the whole Province, whom I shall call upon in the Spring. I am sorry to find your Lordships think the oath not to be well worded *etc.* *Repeats explanation given in preceding.* *Continues*:—I have receiv'd the Seale of the Province which was a thing very much wanted here, the inhabitants seem much pleas'd to hear of it, and shew a desire of haveing their propertys confirm'd under that seal. I shall take care to affix no other to any instrument that passes in this Province. Some of your Lordship's Querys requiring farther information than I can yett come att in order to an exact answer, I shall not faile of sending it, God willing, by the next opportunity with whatever else is now omitted, hoping that your Lordships will be so good to excuse me on account of my present indisposition. *Signed*, R. Philipps. *Endorsed*, Reed. 23rd Feb., 1731, Read 23rd Nov., 1731. 12 pp. *Enclosed*,

563. i. Col. Dunbar to Governor Philipps. Boston, Sept. 16, 1730. *Refers* to his Instructions lately received. *Continues*:—I find them different from the first intention which induced me to begin [*the new settle-*

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- ments*] last year. I am now to begin at Penobscot and so on to St. Croix *etc.* I make you acquainted, [*in accordance with directions of the Board of Trade*] that I have sent to the Penobscot Indians to know if they would be willing I shd. settle near them, they shewed great surprize at ye question, and refused their consent. *Asks for* his directions therein, and acquaints him that he has desired leave to decline being thus concerned in that settlement *etc.* *Continues*: Governor Belcher has used indirect means to prevent my going anywhere from hence, the inclosed letter will open the whole scene to you, wch. I send because there are a thousand lyes about towne *etc.* P.S. Sept. 17th. I have received private information that if I go to Fredericksfort, Governor Belcher and his Council will send a force thither to take the fort, and bring me away prisoner, as claiming that part under this Governmt. If I do, their best Collonel and 500 men shall not take it from me; it was at home called to me the Western parts of Nova Scotia and is under your Governmt., as the Ministry have not proceeded upon the first intention of divideing it from Nova Scotia and erecting it into a separate Government, by the name of the Province of Georgia, I am now directed to call it George County in Nova Scotia, and any orders your Excellency will send thither will be obeyed. Major Cope writes to you all the publique news. *Endorsed as preceding. Holograph. 2 $\frac{3}{4}$ pp.*
563. ii. Governor Philipps to Col. Dunbar. Annapolis Royall. Nov. 9, 1730. As to the Penobscot Indians, as they are the most considerable tribe in the Province and have the direction of Peace and War, and by reason of their distance and the uncertain knowledge of the boundaries, have never held communication with this part of the Government, *etc.*, can only advise him, as he suggests, to gain them by the most gentle usage. *Continues*: There Councils are generally influenc'd by one or two Chiefs, and ye Missionary has always a weight there, who if a secular Priest (as there ought to be none others in Nova Scotia by an order of ye Court of France) he will easily be brought to ye Government's side and to preach reason to those animalls; as I have experienc'd in these parts with success. Indeed I made use of ye prevaileing argument of presents, as ye best inforcement, and a great sweetner of ye blood, *etc.* Any other methods will certainly provoke a war *etc.* I wish the gentlemen who threatned to attack you in your fort *etc.*, have not been underhand practisers with those savages, to disturb

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your project of settling Pemaquid, now Fredericks Fort *etc.*, to which they pretend a right; I hope they have not been so very madd as to make such an attempt; if they have, no doubt but you thought self-preservation a duty, could I have believed any such thing and have gott time enough to your relief, the Captn. who commanded that expedition, if I had found him within my Government should have given a better reason for his expedition than Govr. Belcher's orders *etc.* To be fully informed, has "laid this sloop Capt. Bissett under orders to call in at your fort, to assure you of my readiness to give you assistance when required *etc.*, this being the first opportunity of a vessell since my arrivall, the Province schooner not being in a condition to put to sea again this season till she has new sails" *etc.* *Proposes* a meeting in the spring, to set his Surveyors to work. There is a year gone and no progress made therein; I doubt we shall both be blamed *etc.* Tis true you sent two very worthy Gentlemen to receive my orders, both land surveyers; I cou'd give them no other then to sett about their duty to which was made reply that it was impossible for want of materials which they have no fund to provide, they mean vessells to coast them along and search ye rivers, without which it must be allow'd that ye work is impracticable, and the same if a Wood and Land Surveyer are not join'd in the execution, they being different sciences, these are the gentlemen's own words *etc.* I am truly sorry for the troubles and persecutions you have mett with at Boston *etc.* *Signed*, Richard Philipps. *Same endorsement. Copy. 2½ pp.*

563. iii. Names of 609 French inhabitants who have taken the oath of allegiance since the last was sent home. The form of the oath is now; Nous promettons et jurons sincèrement en foi de Chrétiens que nous serons entièrement et nous nous soumettrons véritablement à sa Majesté George le Second Roi de la Grande Bretagne que nous reconnoissons pour le souverain Seigneur de la Nouvelle Ecosse et de l'Accadie. *Signed*, R. Philipps. *Same endorsement. Duplicate. 2 large pp.*

563. iv. Extract of a grant of lands together with a seigneurie in Accadie made by the King of France in 1703 to M. de la Tour, *Same endorsement. French. Copy. 1¾ pp.* [C.O. 217, 6. ff. 70-76v., 77v., 78v.-84v., 85v. (with abstract); and 217, 30. pp. 42-44.]

Nov. 27.
Barbadoes.

564. Governor Worsley to the Duke of Newcastle. *Acknowledges* receipt of letter of 25th Sept. on 24th Nov., and has

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ordered publication of H.M. commands in relation to the piratical practices of Spanish vessells *etc.* *Refers to* his refusal to register a ship built at St. Lucia (*v.* 20th Nov.) *Continues* : I am now informed by the merchant, that built her there, that it is but a small sloop of 15 tons, this I thought fitt to advise your Grace of, and tho' he has no register he employs her about that island, as a coasting vessell *etc.* *Signed*, Henry Worsley. *Endorsed*, R. 15th Jan., 173^o. 2 pp. [*C.O.* 28, 45. *ff.* 133, 133v., 134v.]

Nov. 27.
Barbadoes.

565. *Same to Same.* Since writing the 20th inst. has received address of Assembly *etc.* (encl. ii). *Continues* : I am surprised to see how they prevaracate as to the fortifications *etc.*, they would insinuate, as if they had represented the same to me, whereas the contrary is true, as will appear by my Speeches, tho' they have been so far from making a provision for the repairing them, that in the Excise bills for these two last year's, as well as the present, it is left out, as an use ; tho' formerly it was the sole reason in the preamble of the Excise bills, for the laying of that duty : they complain very much of the peoples being loaded with debts, in all countrys some persons are in debt, But the country is out of debt, and if for these two years last past, the levy had been paid, there would have been at this time in the Treasury 7000*l.* which might have been applyed towards the repairing the fortifications. I know of no branches of trade they are deprived of, unless they mean, that the Northern Colonys send some ships with horses, and lumber to the French islands : they would insinuate, as if the poverty of the people had occasioned the forfeitures, that have incurred, in relation to the payment of the half crown levy, if the Assemblymen had done their duty in giving in the lists of the negroes, that had been given in to them, and the names of those persons, who had not given them in, there would have been no deficiency, for in the three parishes, whose representatives did their duty, the people have paid quietly, and only think it hard, they should pay, when the other parishes do not, nor are the inhabitants of these parishes richer than those in the other eight, there has indeed been a very great struggle to turn the representatives of those three parishes out, which they have indeed done, but by such means as was never yet known in Barbadoes, I am told they gave 150*l.* for a vote, ten moydors was common. I cant but be very much surprised to find, that they would shelter themselves under the opinions of eminent lawyers in England. I know of none but Mr. Reeves upon a case, that was not fairly stated, they having taken no notice of the King's Proclamation for continuing all officers, which was published here within six months after his late Majesty's decease. But upon a second case stated to him, wherein the said Proclamation was mentioned, his opinion is *etc.* " that H.M.

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Proclamation did as effectually continue Mr. Worsley Governour, as if a new commission had passed at that time to constitute him Governour, so that his office did not determine at the end of six months after his late Majesty's death, and his having a new commission afterwards will not, as I conceive, alter the case, because he hath not at any time since his late Majesty's death ceased to be Governour." Your Grace will likewise observe, that they insist in the said Address, that the particulars of all accounts should be laid before them before that they will provide for the payment of them, this is contrary to my 32 instruction, and which they aimed at two years ago by tacking it to an Excise bill, and was one of the reasons why the Council would not pass it; as was their pretending to name Agents, which they have now attempted by a bill, in which they choose Samuel Forster and Peter le Heup Esqrs., which by the Council was unanimously rejected: and in the same bill they had appointed a salary of 250*l.* sterling to each of them, and they have already received 500*l.* sterling each, and a considerable sum more has been subscribed for in order to support their petition in relation to the Sugar trade; which is founded upon the prohibition of a trade, that is not only allowed of, but even encouraged by my 96th Instruction, yet at the same time they would make the world believe they are almost reduced to want, tho' I am assured that there was £6,000 spent lately in two of the parishes, where the elections were contested. The Council here design to address me upon my Speech, which I shall likewise transmit by the first opportunity *etc.* Signed, Henry Worsley. *Endorsed*, R. Feb. 6th. 5 pp. *Enclosed*,

565. i. Address of Assembly of Barbados to Governor Worsley. Duplicate of Nov. 20 enc. ii.

565. ii. Address of *Same* to *Same*. *In reply to following*, express utmost joy and thankfulness at being called together "at a time when the people we represent were almost despairing of an opportunity of meeting your Excellency in their legislative capacity *etc.* They were reduced to this, and groaned under the dismall apprehensions of ruin *etc.* thro' the dreadfull menaces of certain restless artists, who have of late employed their whole industry in amusing some, and abusing others, with the grossest impositions touching their libertys and fortunes" *etc.* Agree with H.E.'s Speech as to the blessing they enjoy in having a share in making laws, a blessing which none but British subjects freely enjoy *etc.* Have given the Excise bill the utmost dispatch, but being much stinted in time, chose to pass it as it stood the last year, saving only a small alteration in the allowance for leakage from 7½ to 10 p.c. in favour of the merchants and fair traders *etc.* *Continue*: "Thus we should hope to give your Excellency entire

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satisfaction *etc.*, did not our spirits sink under the malancholy reflections which naturally arise upon consideration of these paragraphs in your Excellency's Speech. The ruinous condition of the fortifications hath been and daily is but too sensibly apprehended by us, and we have with a due concerne, as often as we had an opportunity, represented the same to your Excellency. But alas what avails our concern, unless some method be taken to remedy the impending evil in case of a warr. Is it possible, may it please your Excellency, for a people loaded with debts, threatened with ruin as to their private fortunes, and deprived of the benefit of the most profitable branches of trade, and whose sugars are at so low prices, that the current rates are scarce sufficient to defray the immediate charges of making them, or rather for a people whose trade is in a manner wholly lost, to raise taxes annually, or otherwise sufficient to repair the fortifications, whilst the yearly tax of about 8000*l.* has for 7 years past been drained from us, and paid to your Excellency. We are not insensible that some deficiencies may have happened therein, and that many forfeitures have incurred by reason of the poverty of the people, for the two last years; But 'tis no small satisfaction to us, that your Excellency has already received above forty and five thousand pounds of the publick money of this island, since your coming to this Government: a proof of itself sufficient to evince the impoverishment of a small Colony, at a time when upwards of 20,000*l.* more were raised for publick uses, over and above the continued annual excises *etc.* No pretences touching the validity of the law for supporting the Government *etc.* could prevail with any member of this House to obstruct, or defeat the purposes of that, or any other law of royall authority *etc.*, but we begg leave to say, that the objections raised thereto by the generality of the inhabitants were supported by the opinions of eminent lawyers in England, who concluded the same expired on the demise of his late Majesty of glorious memory *etc.* With the greatest sincerity and most heartfelt thanks, we declare *etc.*, that as we owe our all to the protection of our ever glorious Sovereigne, so we shall at all times cheerfully pay his most gracious Majesty the just tribute of our lives, and fortunes, whenever the same may redound to the honour and safety of our most Gracious King, his Crown, and Dominions *etc.* As to the mony said to be due to the Secretaries *etc.*, they were obliged to address H.E.

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to lay the accounts [may be laid] before them, but as he has refused, they are entirely at a loss what to say or do. They consider it highly necessary that they should be acquainted with the particulars, in order to do their duty by the publick, "who are already but too sensibly impoverished, and reduced to great extremities, not only by heavy taxes, but the calamities of a lost, or decayed trade. And this caution we humbly conceive the more necessary whenever it is expected that the Representatives of the People should subject themselves to the payment of any sums, for matters, whereof they themselves in their legislative capacity, or otherwise, have not the least knowledge *etc.* No other answer can reasonably be expected, till this house be more happily informed in relation thereto" *etc.* Whatever deficiencies have happened in collecting the tax, have proceeded only from the miserable poverty of the people, "who thereby are forced to defend themselves and guard against the rigorous prosecutions, they are daily threatened with, thro' some real defects in the law laying that tax, and which in our humble opinions cannot be supplied or expounded by any construction of the words of it" *etc.* Any methods to force the payment of this annual tax, must reduce the poor people to the utmost extremities of hunger and want. How far the law might be amended, in case a new law were submitted to our consideration, for the ease of the poor, we cannot at present say *etc.* But this fatal truth, we are too sensible of, that unless thro' H.M. most gracious interposition, to save this H.M. most ancient loyal Colony, and by his most glorious influence our trade is revived, or our taxes lessened, most of the inhabitants, as very many already have done, must desert their habitations, quitt the valuable utensils of their sugar works, and resort to some other of H.M. Colonys, that are happily in a more flourishing condition *etc.* *Implore* H.E.'s generous protection to a people, who. in their distressed condition, "if they deserve not your favour, do at least become objects of your humanity." Past the General Assembly, nemine contradicente, 25th Nov., 1730. 5½ pp.

565. iii. Speech of Governor Worsley to the Council and Assembly. *Duplicate* of Nov. 20, encl. i. [C.O. 28, 45. ff. 135-137, 138v., 139, 141-143v., 145-146.]

Nov. 27. **566.** Governor Worsley to the Council of Trade and Barbadoes. Plantations. *Duplicate* of preceding covering letter, *mutatis*

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mutandis. Signed, Henry Worsley. Endorsed, Recd. 9th Feb., Read 1st Sept., 1731. 5 pp. Enclosed,

566. i. Duplicate of encl. ii preceding. *Same endorsement. 5½ pp. [C.O. 28, 22. ff. 87-89, 90v.-93v., 94v.]*

Nov. 30.
Whitehall.

567. Duke of Newcastle to Governor Hunter. *Refers to letter of Nov. 9 etc. as to provision for the two regiments etc. Continues :* Having since received a letter from the Secretary at War, in which he represents, that unless quarters are provided for these regiments against their arrival, or at least hutts sufficient to defend them from the heavy dews that fall in that country, he is apprehensive, that great numbers of the men will dye or be rendered useless by sickness *etc.*, *encloses copy*, that you may take proper care to provide such accommodations as may be necessary *etc. Signed, Holles Newcastle. 1½ pp. Enclosed,*

567. i. Sir William Strickland to the Duke of Newcastle. Whitehall, 25th Nov., 1730. As described in preceding. "The tents they carry with them will be of little or no use to defend them against the nightly dews" *etc. Signed, Wm. Strickland. 2 pp. [C.O. 137, 53. ff. 281, 281v., 283, 283v.]*

Nov. 30.
St. James's.

568. The King to Governor Worsley. Whereas the French for some years have claimed a right to the Island of Sta. Lucia, and do insist that the right to the Islands of St. Vincents and Dominico under your Government, is in the Caribbeans now inhabiting the same, altho' We have an undoubted right to all the said Islands, yet We have thought fit to agree with the French Court, that untill Our right shall be determined, the said Islands shall be entirely evacuated by both Nations ; It is therefore Our will and pleasure, and you are accordingly to signify the same to such of Our subjects as shall be found inhabiting any of Our said islands, that they do forthwith quit the same, untill the right shall be determined as aforesaid ; and that they do comply with this Our order within 30 days from the publication thereof, in each of the said islands respectively, under pain of Our highest displeasure ; and you are to use your best endeavours, that no ships of Our subjects, or of any other Nation, do frequent the said islands during the time aforesd. except only for wood and water. But it is Our will and pleasure, that you do not execute this Our order, untill the French Governor of Martinique shall have received the like directions from the French Court, and shall, jointly with you, put the same in execution without any exception *etc.* You are to transmit to Us, by the first opportunity, a full account of your proceedings, and of the French *etc.*, taking care by all opportunities to inform yourself, whether Our subjects and

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those of the French King do punctually comply with the true intent and meaning of this agreement *etc.* *Copy. Countersigned*, Holles Newcastle. [*C.O.* 324, 36. *pp.* 246, 247.]

Nov. 30.
St. James's.

569. H.M. Warrant appointing Robert Wright Chief Justice of South Carolina. *Countersigned*, Holles Newcastle. *Copy.* [*C.O.* 324, 36. *pp.* 248, 249 ; and 324, 50. *pp.* 89, 90.]

Nov. 30.
St. James's

570. H.M. Warrant appointing James Abercrombie Attorney General of South Carolina. *Countersigned*, Holles Newcastle. *Copy.* [*C.O.* 324, 36. *pp.* 249, 250 ; and 324, 50. *pp.* 90, 91.]

Nov. 30.
St. James's.

571. H.M. Warrant for appointment of Thomas Lowndes as Provost Marshal, Clerk of the Peace and Clerk of the Crown of S. Carolina, during the natural lives of said Lowndes and Hugh Watson of the Middle Temple, said Lowndes having surrendered unto Us a grant of the said offices for the lives of himself and Hugh Watson under the Seal of the late Lords Proprietors, to be executed by them or their sufficient Deputies *etc.* *Countersigned*, Holles Newcastle. *Copy.* [*C.O.* 324, 36. *pp.* 252, 253 ; and 324, 50. *pp.* 91-93.]

Nov. 30.
St. James's.

572. H.M. Warrant appointing Theophilus Gregory Master of the Court of Chancery in S. Carolina, "during Our pleasure and his residence." *Countersigned*, Holles Newcastle. *Copy.* [*C.O.* 324, 36. *p.* 255 ; and 324, 50. *pp.* 94, 95.]

Nov. 30.
St. James's.

573. H.M. Warrant appointing William Smith Chief Justice of N. Carolina "during Our pleasure and his residence." *Countersigned*, Holles Newcastle. *Copy.* [*C.O.* 324, 36. *pp.* 256, 257 ; and 324, 49. *f.* 85 ; and 324, 50. *pp.* 104, 105.]

Nov. 30.
St. James's.

574. H.M. Warrant appointing Nathaniel Rice Secretary and Clerk of the Crown of N. Carolina, "during Our pleasure and his residence." *Countersigned*, Holles Newcastle. *Copy.* [*C.O.* 324, 36. *pp.* 257, 258 ; and 324, 50. *p.* 106.]

Nov. 30.
St. James's.

575. H.M. Warrant appointing John Montgomerie Attorney General of N. Carolina, "during Our pleasure and his residence." *Countersigned*, Holles Newcastle. *Copy.* [*C.O.* 324, 36. *p.* 259 ; and 324, 50. *p.* 107.]

Nov. 30.
St. James's.

576. H.M. Warrant appointing Daniel Germain Provost Marshal and Commissary of N. Carolina, "to exercise and enjoy the said office by himself or deputy *etc.* during Our pleasure." *Countersigned*, Holles Newcastle. *Copy.* [*C.O.* 324, 36. *p.* 260 ; and 324, 50. *p.* 108.]

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Dec. 1.
Custom
House.

577. Mr. Carkesse to Mr. Popple. *In reply to letter of 19th Nov., returns act of Virginia for amending the staple of tobacco etc. Concludes:—*“The Commissioners desire to be excused giving their opinion upon acts of Assembly unless they are commanded by the King in Council or the Lords of the Treasury.” *Signed, Cha. Carkesse. Endorsed, Recd., Read 2nd Dec., 1730. 1 p. [C.O. 5, 1322. ff. 89, 90v.]*

Dec. 1.
Whitehall.

578. Council of Trade and Plantations to Governor Belcher. *Acknowledge letters of 24th Augt. and 7th Oct. Continue:—*We are glad to hear of your safe arrival in your Government. We observe that you are not without hopes that ye Assembly of ye Massachusetts Bay may at last be brought to pay a proper regard to H.M. Instructions relating to yor. salary. But if we are to judge of those hopes, by ye printed votes of that Assembly, which we have reced. from another hand and have already perus'd, we have reason to think them but very ill founded. We shall be very glad to find ourselves mistaken in this particular, but if we are not you know ye duty required of you by your 27th Instruction which we hope you will punctually put in execution. We cannot avoid taking notice by this opportunity, of the expedition said to be intended by you, against ye people settled near Pemaquid and ye fort repair'd there by Col. Dunbar, which has surprized us very much, but it will not be necessary to enlarge upon this subject, since H.M. has been pleas'd to send you his Orders in Council desiring you to abstain *etc.* [C.O. 5, 916. pp. 398, 399.]

Dec. 3.
Portsmo. in
New
Hampshire
in New
England in
America.

579. Address of the Council and Representatives of New Hampshire to the King. *Return thanks for appointing Governor Belcher, “who is so equal to the trust and acceptable to the people.” Continue:—*It is inexpressible how the first intelligence we had from Whitehall of your Majesty's grace and favour to New England on that score elevated our hopes; and if we are disappointed, it is in this, that his wise, just and unbiass'd administration has exceeded our expectations and equall'd our very wishes. The first part he acted here was laying your Majesty's Instructions before us for settling a sallary, and our first part under him was a dutiful and ready compliance therewith; since which, his sedulity, and constant application to the publick affairs of the Government for your Majesty's honor and service, and the benefit and advantage of your good subjects of this Province afford us the most pleasing views. His great care and sollicitude for the preservation of the pine trees by his proclamations and strict inquiry after transgressors will in all probability effectually secure them for your Majesty's use, *etc.* His frequent exhortations for puting our laws against vice and immorality in strict execution back'd and enfore'd by his own most virtuous example we have great reason to hope will be a

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good means to reclaim the vicious and make virtue and religion flourish amongst us ; and while he is exerting his powers as a kind father to this Province his loyalty duty and fidelity to your Majesty are not a little conspicuous in the strictest execution of your Majesty's Commission, and his utmost regard for the Royal prerogative *etc., etc.* Beg H.M. grace and favour in continuing this poor little loyal Plantation under the present most happy and desirable administration. *Signed*, Richard Waldron, Secretary of the Council, and Andrew Wiggin, Speaker. 3 pp. [C.O. 5, 10. No. 30.]

Dec. 3.
Whitehall.

580. Mr. Popple to Mr. Carkesse. *Reply to Dec. 1st. q.v.* My Lords Commissioners are sorry to find that any difficulty of this sort should arise in a matter of so much importance to the publick ; and the rather because there are many instances both upon the books of your Office, and upon ours, wherein the Commissrs. of the Customs have not scrupled to comply with the like request, of which I send you some instances. *Quotes* cases of 24th Dec. 1717, 29th March, 1720, and 6th Feb., 1724. [C.O. 5, 1366. pp. 55-57.]

Dec. 4.
Whitehall.

581. Council of Trade and Plantations to the King. Offer for confirmation Act of Antigua for *cutting off the intail of certain lands formerly of John Bradshaw decd., and settling the same upon Francis Delap, of Antigua, mercht. etc.* [C.O. 153, 15. p. 65.]

Dec. 5.
Portsmouth
in
New
Hampshire.

582. Governor Belcher to the Duke of Newcastle. *Refers* to letter announcing arrival. *Continues* :—I proceeded to this Province and publisht H.M. Commission here the 25th of August last to which H.M. good subjects of this Province paid all imaginable honour and deference and the General Assembly (in conformity to my orders) was conven'd at the time of my coming into the Province, and then enacted some laws, and at their Sessions began the 19th of this month (*sic*) they past several others all which I now cover to your Grace *etc.*, with what I thought proper to say *etc.* The first session of the Assembly being but short your Grace will see they did very little business. But at my last meeting them they have gone through several other affairs for H.M. interest, and the good of his people, and as the titles of the Acts contains the substance, purport and meaning of them, I have no remarks to make to your Grace upon them. But I am obliged in justice to the Assembly and the people of New Hampshire, to say that they are ready upon all occasions to do what H.M. may expect from a good and loyal people ; and I hope your Grace will represent 'em in this favourable manner to our most gracious Sovereign. I am now returning to *etc.* the Massachusetts Bay in order to meet the General Assembly there whom I adjourn'd to the 16th currnt. I directed the Secretary of that Province to forward all

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the laws past at their last session to their Agent to be deliver'd to your Grace *etc.* Signed, J. Belcher. Endorsed, R. Feb. 9. 2½ pp. Enclosed,

582. i. Speech of Governor Belcher to the Assembly of New Hampshire, 28th Aug., 1730. Will favourably represent their obedience to H.M. in settling a salary of 600*l.* on him for the time of his Government. But suggests that they should accept the amendments of the Council as to paying him in advance and providing for the Lt. Governor, whom he cannot support out of his own salary *etc.* Copy. 1¼ pp.

582. ii. Act of New Hampshire adjourning the Court of Quarter Sessions until Sept. 15th. 1st Sept., 1730. Copy. ¾ p.

582. iii. Act for emitting 1300*l.* in bills of credit to be repaid by a tax on polls and estates in 1742. 1st Sept., 1730. Copy. 1⅛ pp.

582. iv. Act for settling 200*l.* ster*l.* or 600*l.* credit bills per annum on Governor Belcher. "Although it will lye very heavy on H.M. good subjects *etc.* One moiety to be paid in the spring, and the other in the fall *etc.* which said sum is in full of H.E.'s salary and expences and for an allowance to be made to the Lt. Governor *etc.* H.E. is enabled to make a draft for his first half-year's salary as soon as the Treasury is supply'd with mony." 1st Sept. 1730. Copy. 1½ pp.

582. v. Act for adjourning the Court of Quarter Sessions till Dec. 8th. 1st Dec., 1730. Copy. 1 p.

582. vi. Act for removing three of the Courts of General Quarter Sessions from Portsmouth to Exeter, Hampton and Dover. 3rd Dec., 1730. Copy. 1¼ pp.

582. vii. Additional Act to the Act for regulating fees. 3rd Dec., 1730. Copy. 2 pp.

582. viii. Act for emitting 700*l.* paper bills. 3rd Dec., 1730. Copy. 1 p.

582. ix. Act appointing Commissioners to settle the boundarys between N. Hampshire and Massachusetts Bay. Dec. 3, 1730. Copy. 3¼ pp. [C.O. 5, 10. Nos. 30-39.]

Dec. 5.
Portsmouth
in
New
Hampshire.

583. Governor Belcher to the Council of Trade and Plantations. The 7th of October last I addrest you from Boston; after the Assembly of H.M. province of the Massachusetts Bay, had sat about 7 weeks and gone thorro' the greatest part of the publick affairs: I adjourn'd them to the 16th currtt. and directed the Secretary to transmit the several acts then past to your Lordships *etc.* On my return I shall forward the compleat journal of that session *etc.*, with a copy of the act past by the House of Representatives, and concurr'd in by H.M. Council respecting the King's Instruction relating to my salary

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etc. I came into this Province the 19th of last month to meet the General Assembly according to the time to which I had adjourn'd them. They did so little at their last session that I have kept those acts (being but three) to this time and now cover them to your Lordships with what others have been enacted at this session, together with what I thought proper to say to the Assembly at several times for their making the necessary provision for H.M. honour and service and the welfare of the Province. The titles of the several acts contain the substance *etc.* of them *as in preceding.* *Praises* loyalty of the people *as in preceding.* *Concludes* :—The Board will find one act for settling the boundaries with the Massachusetts, which he thinks proposed to be done in a very unexceptionable manner, “tho’ I must confess I had some difficulty in bringing this matter (so far as it is) to a head. I doubt not but the Assembly of the Massachusetts will follow their good example” *etc.* Will think himself very happy in bringing this long controversy to a successful issue *etc.* *Signed*, J. Belcher. *Endorsed*, Recd. 11th Feb., Read 9th June, 1730. 3 pp. *Enclosed*,

583. i. Speech of Governor Belcher to the Council and Assembly of New Hampshire. Portsmouth, 19th Nov., 1730. It is their happiness to live under the protection of the best of Kings and an indulgent father, and they are continually reaping great advantages from the trade with their mother-country. Hopes therefore that they will never be wanting in loyalty and obedience to his Majesty, and will upon all occasions show their dutiful dependance on the Crown of Great Britain. “This will be the best of means to establish you still more in the King’s favour and thereby most effectually promote the prosperity of your country.” *Recommends* them to put in execution the King’s commands for settling the boundary with Massachusetts. The Assembly there have shown a cheerful inclination to comply. “Anything you can do for the encouragement of naval stores in this Province will greatly recommend you to the favour of the Crown, and serve your own trade and interest.” *Recommends* a bounty for raising hemp, to which their soil and climate are well adapted. *Recommends* establishment of fees *etc.* *Endorsed*, Recd. 11th Feb., 1730. *Copy. Certified*, Richd. Waldron, Secretary. 2¼ pp.

583. ii. Speech of *Same* to *Same*. 28th Nov., 1730. Has directed the Lt. Governor with some members of the Council and Assembly to report what repairs are necessary for Fort William and Mary. Their return shall be laid before them for a grant for that purpose. *Recommends* Act for regulating the Militia. “I am

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informed that your grants, deeds and other papers of greatest consequence to the good people of this province lye at present in a rude and undegested manner, and that there is a great necessity of a revise of your laws " *etc.* *Recommends* appointment of a suitable person to reduce them to order, and the building of a handsome Court House in Portsmouth. Will issue a proclamation as to the fees they have settled. Returns thanks for settling his salary *etc.* *Endorsed etc. as preceding.* *Copy.* $2\frac{2}{3}$ pp.

583. iii. Governor Belcher's warrant to Lt. Governor Wentworth, Richard Wiberd, John Frost and Theodore Atkinson, to survey Fort William and Mary. Portsmouth, 2nd Dec., 1730. *Endorsed etc. as preceding.* *Copy.* $\frac{3}{4}$ p.

583. iv. Proclamation by Governor Belcher requiring all officers not to demand more than the established fees, *etc.* Portsmouth, 3rd Dec., 1730. *Endorsed etc. as preceding.* *Copy.* 1 p.

583. v. Governor Belcher to the Committee of the 15,000*l.* loan, requiring them to submit an account to him. Portsmouth, 3rd Dec., 1730. *Endorsed etc. as preceding.* *Copy.* $\frac{3}{4}$ p.

583. vi., vii. Duplicates of Nos. iii, iv *preceding.*

583. viii. Act of New Hampshire *in addition to an act for inspecting and suppressing disorders in licensed houses etc.* 2 pp.

583. ix.-xiii. Duplicate of Nos. v-ix *preceding.* *Same endorsement.* [C.O. 5, 873. ff. 1-8, 9v.-11v., 13v.-14v., 16, 16v., 18, 20, 22, 22v., 24-25v., 26v.]

Dec. 7.
Barbados.

584. Governor Worsley to the Duke of Newcastle. Encloses following, wherein is set out "the true state of this Island in relation to the payment of the half-crown levy." *Signed,* Henry Worsley. 1 p. *Enclosed.*

584. i. (a) Address of the Council of Barbados to Governor Worsley. *Express* entire concurrence with H.E.'s speech (v. 20th Nov. encl. i). "Nothing but the most perverse spirit of opposition can ever be capable of misconstruing it so farr, as to inferr any intention, that is not perfectly consistent with the true interest of this Island. We are fully sensible of the advantage we enjoy in having a share in making laws, and as that power is solely deriv'd from his most sacred Majesty, we shall be particularly careful *etc.*, that nothing derogatory of the Royal authority do pass this Board, altho' coloured with the most plausible pretences, or back'd in the most popular manner *etc.* *Have accordingly* constantly rejected or amended bills

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which had the least tendency to encroach on the prerogative of the Crown. *Wish that* in the renewed Excise act all proper and accustomed uses had been mentioned. It seems extraordinary, that although the ruinous condition of the fortifications, and guard houses (so often recommended by H.E.) is universally known, yet no provision at all has been made for the repairing them, while the want of it has been for some years past made the trite subject of complaint. *Having witnessed* the care with which H.E. in Council caused the accounts of the Secretaries to be examined, in accordance with the royal orders, are surprised that objection should be made to the immediate payment thereof *etc.* Nothing is more reasonable than that services done the publick should be rewarded by the publick *etc.* *Continue* :—Contempt of laws is a crime of a very heinous nature, and of the most dangerous consequence; but when to that is added disobedience to the immediate commands of the Supream Lord of this place, and our most gracious Sovereign, grounded too on a law of our own making, we tremble at the thought of it. 'Tis with unspeakable concern therefore, that we find the royal order touching the Act for supporting the Government *etc.* has not had the due effect *etc.* We must however in justice to the generality of the inhabitants acknowledge, that till some superficial doubts concerning the validity of the said act were artfully rais'd, and with no less industry dispersed by a few of superior rank, they freely, and honestly comply'd with the dutys thereby required, as they would otherwise unquestionably have done to this day; and 'tis a sad reflection to us, that notwithstanding those doubts are now entirely removed, the like arts, and industry should be still employed to evade, and render it ineffectual *etc.*, whilst the levying the penaltys incurred thereby is very gravely represented as an *intolerable grievance etc.* But we have the satisfaction to observe, that those penaltys and forfeitures (when they come to be levyed) will justly fall on such only, as are well able to bear them, and not on the poorer sort of people, who are plainly discharged by the express words of the law itself tho' it has been speciously insinuated, as if they were to be the unhappy sufferers on that account. *Declare their* unanimous intention to exert the utmost of their power towards rendring the future part of his government as advantageous, as the law passed on his first coming manifestly intended it should be *etc.*

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(b) Governor Worsley's Speech in reply to preceding.
Copy. Whole, 4 large pp.

584. ii. Duplicate of preceding. [*C.O.* 28, 45. *ff.* 147, 149-152v.]

Dec. 7.
 Barbados.

585. Governor Worsley to the Council of Trade and Plantations. *Refers* to letter *etc.* of 27th Nov. Is now informed by the merchant that built the ship at St. Lucia (*v.* 20th Nov.), that it is but a small sloop of 15 tons *etc.* Though he has no register, he employs her about that island as a coasting vessel *etc.* *Signed*, Henry Worsley. *Endorsed*, Recd. 17th Feb., Read 22nd Sept., 1731. 2 *pp.* *Enclosed*,

585. i. Duplicate of encl. i preceding. *Same endorsement.*
 4 *pp.* [*C.O.* 28, 22. *ff.* 99, 99v., 100v.-102v.]

Dec. 7.
 Old Palace
 Yard,
 Westmr.

586. James Oglethorpe to Mr. Popple. Sr, Pursuant to the orders of the Gentlemen Petitioners to His Majesty for establishing of charitable Colonies in America, I send you enclosed their memorial which they have drawn up pursuant to the directions they have received from the Right Honble. the Lords of Trade *etc.* *Signed*, James Oglethorpe. *Endorsed*, Recd. 7th, Read 9th Dec., 1730. *Addressed.* $\frac{1}{2}$ *p.* *Enclosed*,

586. i. Memorial of petitioners for a settlement in S. Carolina to the Council of Trade and Plantations. *In answer to several questions of the Board, propose*, First, that H.M. incorporate the petitioners by the name of the Corporation for establishing charitable Colonies in America to have perpetual succession, To have hold possess enjoy and purchase 1000*l.* per ann. inheritance in Great Britain and estates for lives or years goods and chattells of *any value* for the carrying on of the said purposes and to grant or demise for thirty-one years in possession only without fine at the full rent or with fine at the moiety of the full value, And by that name to plead and be impleaded. To have a common Seal. To meet on first of February or twenty days after to chuse proper officers for the year ensuing and elect such members for the Corporation as they shall think fitt and shall appoint such further meetings as the said Corporation shall think proper and shall make such bylaws and constitutions as shall be thought necessary and repeal and revoke the same at their will and pleasure and at any meeting may appoint fit persons to take subscriptions and collect money contributed for the purposes aforesaid. To have power of contracting with and sending persons into America and to receive and take by grant gift purchase and otherwise *any lands* in America and cause publick notification of the said Charter. To give an annual

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account to the Lord Chancellor the two Chief Justices the Chief Baron of the Exchequer, the Master of the Rolls for the time being or any two or them. Secondly, that after the Petitioners are incorporated H.M. be graciously pleased for the incouragement of the said charitable design unto the said Corporation to grant the *Rivers* Savanna and Alatamaha and all the lands lying between the said rivers and from the mouth of the River Savanna all the coast southward and as far as the latitude of 31 degrees and the islands directly opposite to the said coast to hold of the manor of East Greenwich in free and common soccage. And in relation to the regulation of the intended settlements we propose to your Lordships that this Corporation shall have full power and authority to erect *Courts of Record* or other Courts to be held in the name of his Majesty for the hearing and determining of all and all manner of crimes offences pleas processes plaints actions matters and things arising between persons inhabiting or residing with the said limits whether the said *crimes be capital or not* with liberty of appeal to King and Council where the matter in dispute shall be above 300*l*. That the Corporation have a power of making *laws statutes* and ordinances for the better regulation of and more effectual planting the said settlements so as the same do not contradict the laws of England and be conformable to the laws of Carolina with regard to the trade intercourse and treatys with the Indians, that the new settlements be *not subject to the laws of the Assembly* of the said Province and that the paper money shall have no currency there. That the Corporation shall appoint the civil officers necessary for the said regulations who shall take oaths to his Majesty before they enter upon their offices. *And that the said civil officers shall also train and exercise a Militia and build towns and fortify* in proper places against the incursions of the Indians for the defence of themselves and the security of South Carolina and that the Governour of South Carolina shall command the said Militia, the expence of the said Militia whilst under armes to be defrayed by the intended settlements and be in no manner chargeable to South Carolina. *That they have the same exemption from dutys as were granted to the Province of Carolina by the Charter of King Charles the Second.* The passages underlined are queried in the margin. Copy. 3¼ pp. [C.O. 5, 362. ff. 7, 8-10v.]

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Dec. 8.
London. **587.** Governor Burrington to Mr. Popple. I desire the Lords of Trade etc. will be pleased to give their direction and opinion. Whither I may give new patents to old landholders in North Carolina, paying the same quit-rents they formerly paid for the same lands. Whither I may allow the House of Burgesses to nominate the Receivers of the Country taxes or ought (myself) to appoint them. *Signed*, Geo. Burrington. *Endorsed*, Recd. 8th, Read 10th Dec., 1730. 1 p. [C.O. 5, 293. ff. 20, 21v.]
- Dec. 8. **588.** Mr. Fane to the Council of Trade and Plantations. Has no objection to the Act of Jamaica *for vesting the equity of redemption* of certain lands etc. (v. 10th Nov.), except that there is no clause suspending the execution of it till H.M. pleasure is known. *Signed*, Fran. Fane. *Endorsed*, Recd., Read 8th Dec., 1730. 1 p. [C.O. 137, 18. ff. 130, 131v.]
- Dec. 8.
Whitehall. **589.** Mr. Popple to Mr. Attorney and Mr. Solicitor General. *Requests* opinion, in point of law, whether any fine and recovery levy'd here, will cut off the intail of lands lying in the Plantations in America. [C.O. 324, 11. p. 241.]
- Dec. 8. **590.** Mr. Paris and Mr. Sharpe to Mr. Popple. Request that the consideration of acts of Pennsylvania and Antigua may be deferred till Thursday sennight etc. *Signed*, Ferd. John Paris, Jno. Sharpe. *Endorsed*, Recd., Read 8th Dec., 1730. 1 p. [C.O. 152, 18. ff. 147, 148v.]
- Dec. 9.
Custom ho.,
London. **591.** Mr. Carkesse to Mr. Popple. *Reply to letter of 1st Dec.* I am commanded to desire you will acquaint the Lords Commissioners for Trade and Plantations, that this Board think themselves very much obliged to their Lordships for communicating to them any matters that pass in the Plantations that may any way effect the revenue under their management. But as to matters of trade they are desirous to be excused from giving their opinion unless commanded by H.M. in Council or the Lords of the Treary., which is all they intended by my said letter (Dec. 1st), and if you will please to send me the said act to be againe laid before the Commissioners they will consider it without loss of time and let their Lordships have their opinion thereon. So far as the same may concern this revenue etc. *Signed*, Cha. Carkesse. *Endorsed*, Recd., Read 10th Dec., 1730. *Addressed*. 1½ pp. [C.O. 5, 1322. ff. 91, 91v., 92v.]
- Dec. 10.
Whitehall. **592.** Mr. Popple to Mr. Carkesse. *Reply to preceding.* Encloses act of Virginia *for amending the staple of tobacco etc.*, upon which the Lords Commissioners for Trade “desire to have the opinion of the Honble. Commissioners of H.M. Customs, so far as it may relate to the revenue under their management, which was the intention of their Lordships when they first sent the act.” [C.O. 5, 1366. p. 58.]

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Dec. 10.
Whitehall.

593. Council of Trade and Plantations to the Duke of Newcastle. *Abstract.* In reply to 7th March, *enclose* following to be laid before H.M. Defer report on papers relating to Col. Dunbar's new settlements, as the right to that land now lies before the Attorney and Solicitor General. As to Col. Philipps' letter, also referred 7th March, *enclose* extracts of their report of 7th June, 1727 and their letter to Col. Philipps last May. *Autograph signatures. 2 pp. Enclosed,*

593. i. *Same* to the King. Representation upon Mr. Bradley's complaints (*v.* 7th March, 1730 *etc.*) and the Memorial of the Governor and Council of New York thereon. *Continue:* The late King William of glorious memory did in 1699 order that a salary of 200*l.* per ann. should be paid out of the civil list to his Attorney General of New York, but this appointment was, in Queen Anne's reign, reduced to 150*l.*, which was paid to the immediate predecessor of the present Attorney General, and Mr. Bradley did likewise receive the same salary till 1724, out of your Majesty's quit-rents in that Province; and indeed it hath always been esteemed good policy, that the officers of the Crown in the American Colonies should be maintained and supported in a reasonable degree, that the people may by their means be restrained and kept in due obedience to the King, and in a just and requisite subordination and dependance on their Mother Country. How far the particular office in question may contribute to these desirable ends, will best appear when your Majesty shall be pleased to consider, that it is the immediate duty of your Attorney General to see that the laws of Trade and Navigation be duly put in execution, and that he is obliged to prosecute or defend in all cases and suits where either the dignity, authority or interest of the Crown are in any manner concerned; We therefore find ourselves obliged, as well in duty to your Majesty, as in justice to the said Attorney General, heartily to concur with the Governor and Council of New York, in humbly recommending him to your Majesty's most gracious favour, to the end that effectual provision may be made for the payment of his salary and arrears, either out of the civil list, or by virtue of your Majesty's orders to the Receiver of your Majesty's quit-rents in New York, to discharge the same preferable to any other payment out of the said quit-rents, or by such other way as your Majesty shall think fit. But since it hath been asserted by persons in authority in New York, that the quit-rents in that Province are already charged with full as much or more than they will extend to

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pay, we think it our duty to observe *etc.*, that we have good reason to believe, there have formerly been very fraudulent and collusive practices in granting of lands in the said Province, or that some former Governors have been extremely remiss and negligent, not only in granting exorbitant tracts of land without reserving proper quit-rents, or making any reasonable provision or conditions for the cultivation thereof, but likewise in suffering many persons to possess much larger tracts of land than were in reality granted to them. Some frauds of this nature we have particularly taken notice of in former reports, and we cannot help thinking that your Majesty's quit-rents throughout America, and more particularly in this Province, stand in need of an inspection, and might be very considerably increased if some proper person were employed to examine into the true state of them, and to take care that justice might be done to the Crown. The Legislature of New York are so well apprized of this truth, that they have more than once attempted by certain acts transmitted home, to surprize the Crown into a confirmation of these extraordinary and illegal possessions, for which they at present pay no manner of quit-rent. *Enclosed,*

593. ii. Extract from letter of Council of Trade to Governor Philipps, 20th May, 1730.

593. iii. Extract of representation of the Council of Trade to the Lords of the Privy Council, 7th June, 1727. [C.O. 217, 31. Nos. 25, 25 i, ii (*without enclosure* i); and (*without enclosures* ii, iii) 5, 1125. pp. 145-155.]

Dec. 10.
Whitehall.

594. Mr. Popple to Lt. Governor Pitt. In answer to the letter from you and the Council of Bermuda, Oct. 16th, 1729, enclosing an account of *losses sustained from the Spaniards etc.*, I am to acquaint you that the particular proofs or vouchers of the said account, the places where or time when the said captures were made not being sent over, it would be of no service to transmit your account to the Commissaries, whom H.M. has been pleased to appoint to treat with those of Spain concerning such losses: You will therefore do well to prepare such an account of the said losses, with the most material proofs and circumstances you can furnish thereto, and transmit the same to this Office under the seal of Bermuda, that my Lords may forward the same to the said Commissaries. My Lords have transmitted your petition for a small ship and the continuance of the Independent Company *etc.* (v. 4th Aug.). [C.O. 38, 8. pp. 151-153].

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Dec. 10.
Whitehall.

595. Mr. Popple to Governor Burrington. *Reply to* questions of 8th instant. (i) Their Lordships think that you ought to make no grant of land whatsoever, without reserving the quit-rents directed by your 43rd Instruction. (ii) Their Lordps. being inform'd, that H.M. has appointed a Recr. Genl. for North Carolina, they are of opinion that no other Recr. of publick taxes, ought to be allow'd there. [C.O. 5, 323. f. 49v.]

Dec. 10.
Boston.

596. Governor Belcher to the Duke of Newcastle. Upon my return to this Province finding the ship not sail'd by which I design'd what I wrote your Grace from N. Hampshire *etc.*, *encloses* a Journal of the proceedings of the Massachusetts Bay at their last session with the copy of an Act, past by the House of Representatives and H.M. Council relating to the Royal Instruction for fixing my salary, and altho' your Grace will not find it comes up to the full terms of the Instruction, yet it is going a great way further than they have ever yet done, and I think may be taken as a settlement during the present Governour's administration, and what I believe they never dare recede from. Yet as it is not a full compliance with H.M. Instruction I have not sign'd the Act. But I have a reasonable prospect of their doing the matter still better at the approaching session, and I take the freedom to assure your Grace, that nothing in my power shall be wanting to bring them to a sense of their duty in an obedient compliance with H.M. commands. Altho' I have a hard time of it in being oblig'd to support H.M. honour in the character of his Governour at the expence of my own estate, yet I am resolv'd nothing shall discourage me from doing my duty to H.M., in promoting the interest of Great Britain and the prosperity of his Province under my care, and I shall always have a sacred regard to His royal Instructions for my Government in all the publick affairs of this Province for which I shall from time to time give your Grace a particular account, *etc.* Signed, J. Belcher. Endorsed, R. Feb. 11. 3 pp. *Enclosed*,

596. i. The *Boston Gazette*, Numb. 560, Aug. 24-31, 1730. With account of Governor Belcher's reception at Salem, 24th Aug. Printed, by B. Green junr., for Henry Marshall, Post-Master *etc.* 2 pp.

596. ii. Copy of an Act in addition to an Act, 1715, *for inspecting and suppressing disorders in licenc'd houses.* Dec. 3, 1730. *True copy, signed*, Richard Waldron, Secretary. 2 pp. [C.O. 5, 898. Nos. 76, 76 i, ii.]

Dec. 10.
Boston.

597. Governor Belcher to the Council of Trade and Plantations. *Repeats gist of preceding* covering letter. "The sum of 2400*l.* this money" voted by the Assembly for the Governor's salary, "is a calculation after the rate of 1000*l.* sterling a year to the Session in May next and then to give 3000*l.*

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more for the year next coming, and so annually the same " *etc.*
Signed, J. Belcher. *Endorsed*, Recd. 11th, Read 12th Feb.,
 1730^o. 3 pp. *Enclosed*,

597. i. Act of the Massachusetts Bay for the more sure support of H.M. Governour. Oct. 28, 1730. Whereas this Court hath usually been in the practice of granting money at two several sessions of the Court yearly for the support of H.M. Governours here and by resolves only; wch. method hath of late years been unacceptable, *etc.*, be it enacted by H.E., the Council and Representatives *etc.*, that 2400*l.* be granted to Governour Belcher *etc.* for the present, as an ample and honourable support *etc.*, and for his further support in the future *etc.* be it further enacted *etc.* that at the beginning of the session of the General Court in May next there shall again an act pass for an ample and honourable support of H.E. *etc.*, and so annually at the beginning of every May session during his continuance in the administration *etc.* *Endorsed as preceding.* *Copy.* 1½ pp. [C.O. 5, 872. ff. 16–18v., 19v.; and (duplicate of covering letter only, *endorsed*, Recd. 17th March, Read 9th June, 1731). ff. 168–169v.]

Dec. 10.

598. Memorial of loss and damage [880*l.*] sustained by Solomon Middleton, master, and Charles Hill, Andrew Allen and Capt. Robert Palmer, of Charles Town, owners, of the *Betty* and her cargo taken by a Spanish privateer off Charles Town 25th Aug., 1727. Deposition, *signed*, Samuel Wragg of London, merchant. *Endorsed*, Recd. (from Mr. Wragg) 22nd Dec., 1730. *Copy.* 1½ pp. *Enclosed*,

598. i. Deposition and protest relating to above. *Signed*, Solomon Middleton. Charles Town, 4th Sept., 1727. *Copy.* 4 pp. [C.O. 388, 92. Nos. 16, 16 i.]

Dec. 11.

Whitehall.

599. Council of Trade and Plantations to the King. Recommend for confirmation Act of Jamaica relating to T. King's lands (v. Nov. 10). [C.O. 138, 17. p. 306.]

Dec. 12.

Barbadoes.

600. Governor Worsley to the Duke of Newcastle. Encloses following, just received. *Signed*, Henry Worsley. *Endorsed*, R. 18th Feb. 1 p. *Enclosed*,

600. i. Speech of the Chief Justice, Barbados, to the Grand Jury. Remarks upon the peculiar offices they enjoy in respect to their laws, constitution and government under the royal Commission and Instructions, giving them almost the same privileges and advantages as their fellow-subjects who reside near the fountain of Justice. As this must be owned to be the pure effect of Sovereign goodness, it ought to create the deepest sense of gratitude and loyalty, and testified to by

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paying a cheerfull obedience to all the royall orders, that are occasionally transmitted *etc.* *Concludes* :— This seems the more proper to be mentioned, because a contrary behaviour has been but too common of late *etc.* *Copy.* $\frac{1}{2}$ p.

600. ii. Address of the Grand Jury to John Terrill, Chief Justice. Dec. 1730. St. Michael's Town. Return thanks for above Speech with which they entirely agree *etc.* *Signed*, Nicholas Wilcox, Samson Wood, Archd. Carmichael, Frans. Wilse, John Gittens, John Cricklow, Ambrs. Whittaker, Edwd. Mead, Jarrard Lovell, John Hughenos, Ben. Smith, John Archer, Samll. Yearwood, Peter Campion, Fra. Pile. *Copy.* 1 p.

600. iii. Address of the Grand Jury to the King. Dec., 1730. *Express* their just sense of H.M. extensive goodness, and the benefits we are constantly receiving from it, under the Royal Commission and Instructions, which are, and have been for some years past, executed with the utmost regard to your Majesty's prerogative, and the true interest of your Colony *etc.* As the wisdom and justice with which your Majesty determines all matters in dispute here *etc.*, are every way conspicuous *etc.*, we think it a peculiar advantage to live under a Government so constituted as to admitt of such a resort, and the rather because we have observ'd many instances of the ill judgment we are apt to make of things ourselves by unworthy motives which cannot possibly have any place in your Majesty's royal breast *etc.* *Will pay* the strictest obedience to all the royal orders that are transmitted thither *etc.* *Signed as preceding and by* John Chase, and Fras. Phillips. 1 large p.

600. iv. Address of *Same* to Governor Worsley. Dec., 1730. *Pay* dutiful regards to H.E. "under whose administration we have for several years past happily enjoy'd those priviledges and advantages which the Sovereign Power has been graciously pleased to convey to us through your means" *etc.* *Will do* everything in their power to render that government agreeable to H.E. "which you are pleased to make so entirely easy to us." *Signed as preceding.* *Copy.* 1 large p. [C.O. 28, 45. ff. 153, 154v., 155v., 156, 157v., 158, 159v., 160, 161v., 162.]

Dec. 12.
Barbadoes.

601. Governor Worsley to the Council of Trade and Plantations. Duplicate, *mutatis mutandis*, of preceding covering letter. *Signed*, Henry Worsley. *Endorsed*, Recd. 17th Feb., Read 22nd Sept., 1731. 1 p. *Enclosed*,

601. i.-iv. Duplicates of preceding encl. i-iv. *Same endorsement.* [C.O. 28, 22. ff. 103, 104v.-108v.]

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Dec. 12.
Bermuda.

602. Lt. Governor Pitt to the Council of Trade and Plantations. *Encloses following trial, and explains that*, Timothy Tines and Cradock Shellito of Bermuda, having been taken by Spanish pirates and carried into Porto Rico, were, by the clemency of the English factor there, employed by Joseph Traheau, a native of France but a subject of Spain, to assist him in a voyage to Havana. They threw him overboard and ran away with his small vessel, goods and negro servant to Turks Islands, “a maroon key near the Bahama Islands, where meeting with a Bermuda vessell, they embark’d for these islands, leaving behind the Frenchman’s vessell” *etc.* *Continues* :—Information being made to me of their villany, I caused them to be apprehended *etc.* Tines was executed, the other, thought least culpable, turn’d King’s evidence *etc.* I have used my utmost endeavours to discover what effects Don Joseph had on board, but can find nothing considerable except the negroe; those fue that have been found shall be sent to the proper owners as soon as I can be advis’d who they are. *Encloses* several Acts and public proceedings not before transmitted *etc.*, and *refers* to letter and enclosures of 9th April, *supra.* *Signed*, John Pitt. *Endorsed*, Recd. 30th March, Read 1st April, 1731. 1 p. *Enclosed*,

602. i. Trial of Timothy Tines, mariner, Bermuda, Sept. 29, 1730, *referred to in preceding. Same endorsement.*
Copy. 8½ pp. [C.O. 37, 12. ff. 63, 64v.–69, 70v.]

Dec. 12.
Bermuda.

603. Lt. Governor Pitt to the Duke of Newcastle. Duplicate of preceding covering letter, *mutatis mutandis.* *Signed*, John Pitt. *Endorsed*, R. 20th April. 1 p. *Enclosed*,

603. i. Duplicate of preceding encl. [C.O. 39, 27. Nos. 13, 13 i.]

Dec. 12.
Secretary’s
Office
in Boston.

604. Mr. Willard to Mr. Popple. *Encloses* Minutes of Council to Aug. last, Journal of Assembly and Acts May—Sept., 1730, and Treasurer’s accounts. The printed laws now sent include the Lunenburgh act (v. 6th May) which was casually omitted out of the printed acts for 1728 *etc.* *Signed*, J. Willard. *Endorsed*, Recd. 9th Feb., Read 9th June, 1731. 1 p. *Enclosed*,

604. i. Accompt of the Treasurer and Receiver General of H.M. Revenue in the Massachusetts Bay, 31st May, 1729—1730. *Totals*, receipts and expenditure, 167,313l. 15s. 7d. *Signed*, Jer. Allen. *Endorsed*, Recd. 9th Feb., 1731. 19¼ pp. [C.O. 5, 872. ff. 148, 149v., 151–160v.]

Dec. 12.
Admty.
Office.

605. Mr. Burchett to Mr. Popple. *Encloses* following. (*cf.* 23rd Nov. and 4th Dec.). *Signed*, J. Burchett. *Endorsed*, Recd., Read 15th Dec., 1730. 1½ pp. *Enclosed*,

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605. i. Mr. Sayer to the Lords Commissioners of the Admiralty. 6th Dec., 1730. Gives opinion on case of J. Foolsome referred to him (*v.* 12th Nov.), that it is not advisable to prosecute the appeal for the sentence of the Judge of the Vice-Admiralty Court in N.H., in regard the trees were cut within the limits of a township *etc.* *Signed*, Ex. Sayer. *Copy.* 2 $\frac{3}{4}$ pp. [*C.O.* 5, 871. *ff.* 232–234, 235*v.*]

Dec. 14. **606.** Order of King in Council. Ordering stores of war
St. James's. estimated at 4508*l.* 19*s.* 7*d.* to be sent to South Carolina as soon as may be, "in regard to the great consequence of the said Province, which is a southern frontier to all the other Provinces" *etc.* The expence thereof to be made an article in the next estimate that shall be prepared by the Board of Ordnance to be laid before Parliament *etc.* *Signed*, Ja. Vernon. *Endorsed*, Recd. 10th, Read 11th Aug., 1731. 1 $\frac{3}{4}$ pp. *Enclosed*, 606. i. Estimate of above stores prepared by the Board of Ordnance. *Signed*, L. Smelt. 1 p. [*C.O.* 5, 362. *ff.* 21–22, 24*v.*]

Dec. 14. **607.** Order of King in Council. Approving the new Seal
St. James's. for N. Carolina, and ordering the Council of Trade to prepare a draught of a warrant empowering the Governor to make use thereof *etc.* *Signed*, Ja. Vernon. *Endorsed*, Recd. Read 31st Dec., 1730. $\frac{3}{4}$ p. [*C.O.* 5, 293. *ff.* 22, 23*v.*]

Dec. 14. **608.** Order of King in Council. Approving draughts of
St. James's. Instructions for Governor Burrington. *Printed*, N.C. Col. Rec. iii, 118. *Signed*, Ja. Vernon. *Endorsed*, Recd. 10th, Read 11th Aug., 1731. $\frac{3}{4}$ p. [*C.O.* 5, 293. *ff.* 26, 27*v.*]

Dec. 14. **609.** Order of King in Council. Approving representation
St. James's. of Council of Trade and Plantations, and ordering that the Governor of Jamaica do forthwith issue a grant of the said 20 acres of land in Lynches Island, appropriating the sole use thereof to the service of H.M. Navy *etc.*, and that he do likewise recommend to the Assembly, to make provision for the building such a fort as is proposed. *Signed*, Ja. Vernon. *Endorsed*, Recd. 10th, Read 11th Aug., 1731. 1 $\frac{3}{4}$ pp. [*C.O.* 137, 19. *ff.* 83, 83*v.*, 84*v.*]

Dec. 14. **610.** Order of King in Council. Approving proposal to
St. James's. erect a fort upon Lynches Island in Jamaica and for a supply of ordnance and stores therefor, and ordering that an estimate be prepared *etc.* *Set out*, A.P.C. III. pp. 294, 295. *Signed*, Ja. Vernon. *Endorsed*, Recd. 10th, Read 11th Aug., 1731. 1 $\frac{3}{4}$ pp. [*C.O.* 137, 19. *ff.* 86, 86*v.*, 89*v.*]

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Dec. 14. **611.** Order of King in Council. Approving draughts of
St. James's. Instructions for Governor Burrington. *Signed*, Ja. Vernon.
 $\frac{3}{4}$ p. [C.O. 5, 192. f. 166.]

Dec. 14. **612.** H.M. Instructions for Governor Burrington. *Signed*,
St. James's. G. R. [C.O. 5, 192. ff. 167-217.]

613. H.M. Instructions relating to Trade and Navigation
to *Same*. [C.O. 5, 192. ff. 219-247.]

Dec. 15. **614.** Mr. Attorney and Mr. Solicitor General to the Council
of Trade and Plantations. *Reply to 8th Dec.* We are of
opinion that no fine levied or recovery suffered here of lands
lying in any of the Plantations can bar the intail of such lands,
unless the particular acts of Assembly of the Plantation where
such lands lie have provided, that fines or recoverys levied or
suffered in England of lands there shall have that effect; and
in that case, the force of such fines and recoverys depends upon
such particular laws or acts of Assembly, and must be regulated
by them. *Signed*, P. Yorke, C. Talbot. *Endorsed*, Reed. 16th,
Read 29th Dec., 1730. 1 p. [C.O. 323, 9. ff. 55, 58v.]

Dec. 15. **615.** Robert Auchmuty to Jeremiah Dunbar. *Urges him*
Boston. to represent to the several Boards the difficulties his brother
encounters "and how far his life and liberty is exposed to the
rage malice and fury of the people," to whom his duties as
Surveyor of the woods and lands "render him exceeding
obnoxious" *etc.* He ought to be the peculiar subject of the
Crown's protection, for by the fall of so faithful a subject, "the
honour and power of the Crown will ever by the levelling
people here be had in ridicule, and H.M. officers who are already
too much ye butt of such people will be in great contempt and
derision and none more than yr. true friend and servt. who has
battled these people ever since 1719 and furnished all ye obser-
vations sent home wth. proper remarks wtht. any proffitt but
ye secret pleasure of being firmly attached to his Master."
Refers to actions brought by the Atkinsons; a jury will give
scant justice to Col Dunbar *etc.* The only way to save him
from gaol and his family from destruction is for the Government,
"taking into consideration the publick expence he necessarily
has been at and instantly emitt all or as much as will save him"
etc. *Continues* :—It is no small prejudice to his interest that
he dare not in person appear in Court when his cases are on
trial, for shd. he shew himself, he will be exposed to hundreds
of actions by the pretended proprietors of lands to the eastward,
such as trespass, slandering of their titles *etc.*, and which by no
possibility can he bail, and the cost in such numbers of actions
will devour him. His justifying under the King's orders or
instructions will no ways avail him but rather ye more expose

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him, for they readily have it at their respective tongues' ends such orders and instructions cant take away property and ye like, and yt. they can wage law with ye King as soon as with a private person and upon more advantagious terms. Neither is there that harmony between H.E. and the Col. I could wish and strenuously laboured to cultivate *etc.*, nor has he power to extricate him. The Colonel's denying entrance to the fort, to the Committee which the General Court had erected to view, as within this Government *etc.* is by his enemies imagined to be high treason. *Believes they* will have "rashness interest and folly to procure ye Grand Jury to find a bill of indictment against him accordingly and Heaven knows ye consequence. I expect in very few days to have ye happiness of an interview with ye Colo. and shall lay before him for his sanction ye draft of an act necessarily to be presented to ye Parliament for ye more effectual preservation of H.M. woods in North America *etc.* *Signed*, Robt. Auchmuty. *Endorsed*, Recd. (from Jer. Dunbar). Read 5th March, 173 $\frac{1}{2}$. 2 $\frac{1}{2}$ pp. [C.O. 5, 872. ff. 57-58v.]

Dec. 15.
Boston.

616. Governor Belcher to the Duke of Newcastle. I am oblig'd to open my packett *etc.* to let your Grace know, that I reciev'd by a courier from N. Hampshire the 13th currt. an account of the death of Lt. Govr. Wentworth *etc.* It is my Lord Duke a place hardly worth fifty guineys a year unless upon the death or absence of a Govr. I believe it would be for H.M. interest and service that Henry Sherburn Esq. one of H.M. Council in that Province might succeed to that post. He is a gentleman capable of it, of a good estate, and perfectly attacht to H.M., and his Royal house *etc.* *Signed*, J. Belcher. *Endorsed*, R. 9th Feb. 1 $\frac{3}{4}$ pp. [C.O. 5, 898. No. 77.]

Dec. 16.
Boston.

617. *Same* to the Council of Trade and Plantations. To same effect as preceding. *Signed*, J. Belcher. *Endorsed*, Recd. 11th, Read 12th Feb., 173 $\frac{1}{2}$. 1 p. [C.O. 5, 872. ff. 20, 21v.]

Dec. 17.

618. Merchants trading to Antigua to the Council of Trade and Plantations. Request immediate consideration of the Chancery Act. For want of passing it, the course of Justice in that island has had very great interruptions *etc.* *Signed*, Hum. Morice, Rd. Harris and eight others. *Endorsed*, Recd. 18th, Read 30th Dec., 1730. 1 p. [C.O. 152, 18. ff. 149, 150v.]

Dec. 17.
Whitehall.

619. Council of Trade and Plantations to the Committee of the Privy Council. Your Lordships having been pleased to refer to us the petition of the Rt. Honble. the Lord Viscount Percival, the Honble. Edwd. Digby, the Honble. George Carpenter, James Oglethorpe Esqrs. and several others, whose names are thereto subscribed setting forth, that the cities of London and Westminster, and parts adjacent, do abound with

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great numbers of indigent persons, who are reduced to such necessity as to become burthensome to the publick, and who would be willing to seek a livelyhood in any of H.M. Plantations in America if they were provided with a passage, and means of settling there : and humbly proposing to undertake the trouble and charge of transporting all such poor persons and families, provided that they may obtain a grant of lands, in South Carolina, for that purpose, together with such powers as shall enable them to contract with persons inclinable to settle there, and to receive the charitable contributions and benefactions of all such persons as are willing to encourage so good a design ; We have consider'd the several particulars therein contain'd, and having discoursed with the Petitioners thereupon, we have receiv'd certain proposals from them relating to the subject matter of their Petition, whereupon we take leave to represent to Your Lordships : That as the Petitioners' design appears to us to be a very laudable one, in every respect, and may if happily excuted produce many good effects to the publick, we think it may deserve due encouragement, and are humbly of opinion, that it may be proper for H.M. to grant them all reasonable powers, for the promoting and carrying on so good a work and therefore we would propose to your Lordships : That H.M. may be graciously pleas'd to incorporate the Petitioners according to the prayer of their Petition as a Charitable Society by the name of the Corporation for Establishing Charitable Colonies in America, with perpetual succession : That they may be empowered to purchase lands of inheritance in Great Britain to the value of 1000*l.* p. annum and estates for lives or years, and goods and chattels to any value ; and to receive and take by grant, gift, purchase or otherwise any lands in America, with power to make reasonable by-Laws, not repugnant to the Laws of Great Britain for the government of their Corporation ; together with all other clauses usual and necessary for such a Corporation ; and to give an annual account of all monies or effects by them received or expended for the carrying on this charity in the High Court of Chancery. And as a further encouragement to this design, we are of opinion H.M. may be graciously pleased to grant to the Petitioners and to their successors for ever, all yt. tract of land in the Province of South Carolina lying between the rivers Savanah and Alatamaha to be bounded by the most navigable and largest branches of the Savanah and the most southerly branch of the Alatamaha, with the islands in the sea, lying opposite to the said land, reserving to H.M. his heirs and successors a quit rent, at the rate of four shillings Proclamation money for every hundred acres, contained in the said tract, which shall be leased or granted out by the Corporation to their under tenants, or taken up, settled or improved by them, or their agents, the said quit rent not to commence to be paid, till ten years after such leases, settlements

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takings up or improvements respectively. And that H.M. may always be duly inform'd of what quantities of land are granted, taken up, settled or improved by the sd. Corporation, that a constant register shall be kept by their officers, of all such leases, grants, takings up, settlements and improvements, and authentick transcripts thereof annually transmitted to H.M. Auditor of the Plantations, or his deputy, in South Carolina and also to H.M. Land Surveyor in that Province, reserving to the said Surveyor, in H.M. behalf, a right of inspecting the lands so leased, granted, taken up, improved or settled, to prevent any abuses with respect to the quit rents hereby intended to be reserved upon such lands. And whereas, it is the desire of the Petitioners, that the tract of land by them petitioned for, which is at present intirely uninhabited, except by some few Indian families, may be separated from the Province of South Carolina, and be made a Colony, independent thereof with respect to their Laws, Government, oeconomy, both civil and military, save onlye in the command of their militia which is to remain with H.M. Governor of South Carolina for the time being, we are humbly of opinion that H.M. may be graciously pleased to indulge them in this particular likewise, saving always the Dominion of the Crown and the dependance which every British Colony ought to have upon H.M. And for this purpose we would humbly propose, that the Corporation may have the liberty from time to time, to lay before H.M., lists of all such officers both civil and military, as shall be thought necessary by them for the support, conduct and government of their intended Colony, and which are usually appointed by Commissioners of H.M., or from H.M. Governor's in other Colonies in America ; and that when H.M. shall have approved of such officer, by his order in Council, the Corporation may be impowered to give them Commissions under their Common Seal. And as it will be necessary that there should be power of making laws for the Government of this Colony, we would propose that H.M. may impower the Corporation from time to time to prepare laws for yt. purpose, to be laid before the King in Council, and if not disapprov'd by H.M. in 30 days', that they may be sent over and be in full force until the King shall think fit to signify his disallowance of them. And as in process of time it is to be hoped this colony may prove a flourishing Settlement and thereby become sharers in the trade of South Carolina, it will be necessary that the person who superintends this Settlement and altho' he should not act under the title of Governor should according to the Act of the 7th and 8th of King William, not only be approved of by H.M., as has been before proposed, but also take the usual oath to observe the Acts of Trade and Navigation ; for which purpose it will be necessary that the usual instructions upon that head, which are given to the Governors in America, should likewise be given to him ;

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and that the Corporation do give constant accounts of all proceedings to this office that we may lay the same before H.M. [C.O. 5, 401. pp. 8-14].

Dec. 21. **620.** Governor Montgomerie to Mr. Delafaye. *Abstract.*
New York. *Refers to* following, and asks for his support in the matter of the Indian trade and garrison at Oswego *etc.* Is afraid the Board of Trade will blame him for giving way to the Assembly of New Jersey in defraying the incidental charges of the government out of the interest money. But if he had not done so, that Government would now have been without any support, and in as great confusion as ever that of New England was in the height of their disputes with Governor Burnet, *etc.* *Signed,* J. Montgomerie. *Holograph.* 3 pp. [C.O. 5, 1093. ff. 134-135v.]

Dec. 21. **621.** *Same* to the Duke of Newcastle. *Abstract.* Encloses
New York. copy of letter of 20th Nov. to the Council of Trade. *Continues :* Your Grace having formerly approved of this manner of transmitting my informations, I shall not now repeat what is contain'd in the inclosed. The Assembly [*of New Jersey*] voted an Address to H.M., entreating him, that whenever he shall please to put a period to the government of the present governour, that then he will be pleased to bestow a distinct governour on that province, expressing at the same time their satisfaction with the present governour, *etc.* This adress they desired me to send to your Grace *etc.* to present to H.M. *Continues :—*I am told, that upon the rumour of this adress, some application has been already made by the government of New Jersey, but I think myself very safe, trusting to H.M. goodness, and your Grace's protection *etc.* *Encloses* copy of letter to Council of Trade (*following*), and the representation of the Council and Assembly relating to the Indian trade, and supporting the garrison at Oswego. *Continues :* The prosperity of this province depends so much upon the success of this representation, that I earnestly beg your Grace will countenance it, and promote the granting what is desired in it, *etc.* The enclosed letters from the Commissioners of the Indian affairs show that there is great reason to be jealous of the proceedings of the Governor of Canada. If some stop is not put to his measures, there is danger of losing the friendship of the Six Nations, and consequently the Indian trade *etc.* *Printed,* N.Y. Col. Doc. V. 913. *Signed,* J. Montgomerie. *Endorsed,* R. 3rd March. *Holograph.* 3 pp. *Enclosed,*

620. i.-iv. Duplicates of Letter to Council of Trade and encl. i-iii, following. [C.O. 5, 1093. ff. 132-135, 136, 137-145v., 147-154; and (*copy of encl. iv. only*) 5, 980. No. 48.]

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Dec. 21.
New York.

622. Governor Montgomerie to the Council of Trade and Plantations. *Abstract.* He was disappointed of a ship, and therefore his letter of 20th Nov. will be delivered at the same time as this. *Encloses* acts passed the last session of Assembly of New York. (i) *Act to revive the Militia etc.*; (ii) *continuing an act to farm the excise etc.*; (iii) *for the relief of insolvent debtors with respect to imprisonment etc.*; (iv) *for striking bills of credit for 3000l. to be exchanged for shattered, torn and defaced bills etc.*; (v) *continuing an act to amend the practice of the law etc.*; (vi) *continuing an act for regulating fences etc.*; (vii) *reviving an act for regulating and laying out highways etc.*; (viii) *for continuing the currency bills of credit issued in 1720 etc.* The funds granted proved so far unable to sink those bills, occasioned partly by some extraordinary expences of the Government, and partly by the Members of Assembly receiving 10s. per day during that session, that another act was passed for raising 5350 oz. of plate *etc.*, four thousand ounces whereof were applied to discharge the warrants of officers then unpaid *etc.* Out of another extraordinary levy 6630l. there was appropriated 2521l. to supply the deficiency of H.M. Revenue. The said bills of credit have therefore been continued to remain current till 1733 *etc.*; (ix) *for the better preservation of oysters.* A former act was effective, but since its expiration, the banks are almost destroyed *etc.*; (x) *to prevent the levying on specialties more than the principal, interest and cost of suit etc.*; (xi) *for the better clearing, regulating and further laying out publick highways in King's County, Queen's County, Richmond County and Orange County etc.*; (xii) *for the more effectual preventing and punishing the conspiracy of slaves and repealing acts relating thereto etc.* This act is for removing doubts which have arisen on former acts *etc.*; (xiii) *to defray the charge of victualling H.M. troops at Oswego etc.* *Continues:—* By the Act past for this purpose in 1729, the victualling of the forces, and the regulation of the Indian trade at Oswego, were put into such a method, as gave great expectations, that the Six Nations of Indians would thereby be induced to come cheerfully and constantly to Oswego with their furs and peltry, since they were to be taken into the protection of the officer posted there, who had orders to secure both their persons and effects, from the impositions of the traders who resorted thither from Albany to deal with them: nor did I hear that even the traders themselves complain'd of this act, for everyone of them had all the fair advantages they could expect from that trade, so that there seem'd to be an universal satisfaction in that part of the country, especially when they saw the Indians flock thither with their beaver and peltry. The Assembly likewise, I mean those who represent the counties remote from Albany, and make twenty of twenty-six which compose the House of Representatives, were well satisfied, that they had taken a method to subsist Oswego, without burthening their

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constituents. In this situation was this affair, when I heard that a petition was presented to your Lordships, in the name of some merchants of this place against that act; a petition, as I am since informed, drawn and signed by some of the people of Albany, long before that act past in 1729 *etc.* Sometime after I was informed, that the King's disallowance of the Act was at Albany, I sent thither to enquire after it, that I might lay it before the Assembly, whose meeting I had put off from time to time expecting H.M. disallowance of the Act would have been sent directly to me. When I had got it, and the Assembly met, I acquainted them with it. *Refers to his Speech. Continues:* Here I had various humours to contend with, arising from various causes, some were for supporting the garrison there by a land tax, others by impositions on the traders, others again of the Lower Counties thought it a place of no importance to them or those they represented, and these last made a great part of the House. In this disjointed state they continued some time, but at length they resolved to support it for one year only, and in the mean time to lay before your Lordships a representation, wherein they desired the Council to joyn with them. The ways and means they first agreed on for this support was (as your Lordships will see by their votes) of twenty shillings for every person trading with the Indians, and three shillings a head for every one who wears a wigg. On these resolves they drew a bill, which after much time spent, was rejected upon the third reading. This proceeded from my declaring to the Speaker, and some others of the Assembly, that I could not give my assent to any act which loaded the Indian trade in any way whatsoever, till I should receive H.M. permission: yet dreading the consequences of having Oswego neglected, I used my utmost endeavours but all in vain to perswade them to subsist that garrison by a land tax, or some other way, that might not only answer the end, but be also equitable in the proportion of the expence. They did however recede from the imposition they had before resolved on the trade, but would not depart from the wigg tax, the only means they could be brought to think of for the support of that place; In this tax the counties bear but a very small proportion, and the only prevailing inducement to this one year's tryal, was the expectation they had from their representation, that they might be allowed to make the trade bear the expence hereafter *etc.* From good reasons I am fully convinced that no arguments will ever perswade the Assembly to support it any other way, at the same time I assure you, that the withdrawing the garrison and deserting the place, will be attended with fatal consequences. The Albany members being sensible that Oswego must be deserted and their trade for ever lost, unless some other method were taken for the support of the place, were very zealous for the support of the Representation, "which was unanimously

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signed by the members of both Houses ” *etc.*, as the only means left them to preserve their trade, to protect their frontiers, and to keep the Six Nations of Indians in their allegiance. The Albany members and the most considerable traders, even those who were the principal petitioners against the acts repealed, are anxious for H.M. permission to erect a company for that trade, who are willing to be obliged by law to maintain the garrison at Oswego, for by this incorporation they will be put into a full possession of the trade and not subject to the penalties of which they before complained, nor, they say, will their correspondents in England, or the manufacturers of fur any longer feel the decay of trade caused by the highhanded and deceitful trading of traders under the act of 1729, whereby the Indians were in a great measure deterred from coming to Oswego and compelled to seek another market among the French *etc.* *Insists* upon the importance of Oswego not only as a trading house and a place of security to the frontiers, but also as a garrison, situate in the midst of the Six Nations, protecting them from the sudden attacks of the French in time of war and skreening them from their affronts, and designing machinations in time of peace. *Emphasises* the importance of the Six Nations as a barrier between Canada and all the Colonies from New York to Virginia. That the French have a just sense of their importance appears from the great expence they put themselves to, in keeping their enuissaries among them, making presents to the principal men, inviting, entertaining and caressing them when they go to Canada, using all possible arts to ingratiate themselves, to magnifie their own power, and to depreciate ours *etc.* Canada has from a small beginning, rose of late years to a very great bulk. *Refers to* enclosed report from the Commissioners for Indian affairs, that the French “ have employed an agent, who pretending himself to be a fugitive, has desired leave of the Sinnekes, to build a trading house between Oswego and Yagero, this is the first foundation of a garrison, and in the same manner they built that of Niagara and Kaderachque. In building Oswego this Government copied after them, the Indians being unwilling to grant liberty to build a fort or garrison, for this reason, the Assembly has always called Oswego a Trading House, though it was intended to be, has been, still is, and I hope ever will continue a Garrison ” *etc.* ; (xiv) *An act to prevent swine running at large in counties named, etc.* ; (xv) *An act for naturalising Herman Winkler and others* ; (xvi) *for paying Richard Bradley 150l. and Henry Beckman 15l. 10s. etc., on account of prosecutions etc.* ; (xvii) *to enable the city of New York to raise money to purchase two fire engines etc.* ; (xviii) *to continue an act to prevent swine in Dutchess County and the manor of Livingston etc.* ; (xix) *to prevent the destruction of sheep by dogs, in Albany and other counties etc.* *Acknowledges* the new seal for New York and returns old one. The new seal for New

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Jersey was lost in the passage. *Signed*, J. Montgomerie. *Set out*, N.Y. Col. Doc. V. pp. 903-909. *Endorsed*, Reed. 27th Feb., Read 2nd April, 1731. *Enclosed*,

622. i. Indian Commissioners at Albany to Governor Montgomerie. Albany. Nov. 26, 1730. By the enclosed Minutes your Excellency will perceive what information we lately received from the Sinnekes country, that the French intended to make a settlement at Tiederondequat only 50 or 60 miles from our garrison at Oswego, in the passage of the Sinnekes from their hunting, and of the Far Indians from their country to us. Which attempt is, as we conceive, a manifest breach of the Treaty of Peace and Commerce *etc.*, and if we must calmly submit to this incroachment to have our trade cut off at one blow we are a very unhappy people, (we are also informed that the French are to build a fort at the Crown Point at the S. end of Corlaer's Lake but 120 miles from this place) perhaps on pretence to intercept and prevent the trade of the Indians hither and to Canada, is also against said Treaty, which is not the only detriment and mischief we apprehend from it, but in case of a rupture between the Crowns it will be a very convenient rendezvouz and magazine for their Indians to make easie assaults on this county and New England and where they may at their leizure convey provisions *etc.* over the Lake and surprize this city. *Pray* H.E. to represent the matter to the Court of Great Britain *etc.* *Continue* : We being informed that the Governour of Canada has sent several French Indians a hunting towards Kaderachque, who used to hunt at the carrying place on our frontier, and that we daily hear such precarious accounts of the daily incroachments of the French on our Indian trade, and Captain Blood haveing received a paquet wrote in French from Kaderachque by an Indian that he could not read which he to our great surprize enclosed in a paquet for Capt. Holland for your Excellency, which at this juncture of affairs we conclude may be of pernicious consequence to this Province *etc.* *Signed*, Philip Livingston, Myndert and John Schuyler, Evert Wendell, Stevanus Groesbeck, Johs. and Abraham Cuyler, Nicolas Bleecker, Barent Sanders, Dirck Ten Broeck. *Copy. 2 pp. Enclosed*,

622. ii. (a) Minutes of Commissioners for Indian Affairs in Albany. 23rd Nov., 1730. Records Lawrence Claese's report that an Indian of the Six Nations had informed him that Jean Ceure, a French Officer and Interpreter, was in the Sinnekes Country and had some French soldiers with him, who represented that

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he had been whipped and banished from Canada, and was in treaty with the Sinnekes for permission to build a trading house at Tiederondequatt and keep some soldiers to work for him there. A gentleman of this Board had been told the same by another Indian. A letter from Abraham Wendell, Barnardus Hartsen and Co. from the Sinnekes country, 12th Oct. last, advised the Board that the nation of Indians called the Foxes had sent two red stone axes to the warring young men of the Sinnekes, who gave them to the Sachims, and they gave them to the Governour of Canada because he was at warr with them. Moreover, there was no request therein, as they said, but we are assured by the aforesaid letter that those axes were sent upon some request. All which Mons. Jean Ceure confirmed by telling our company there, that the Sinnekes Indians had given them two stone axes which the Foxes had sent to them requesting that they might live and settle among them, but Jean Ceure said that he had sent them to his Governour, and that he had told the Indians that if they should admit the Foxes to settle among them, the French and English together would come and cut off their castles while they were now united in one body, and further told our people that he designed to stay there this ensuing winter in the small castle upon the subject of the two axes. Whereupon it was resolved to write the following letter to Abraham Wendell and Co. now posted in the Sinnekes Country.

Annexed,

622. ii. (b) Commissioners for Indian affairs to Abraham Wendell and Co. Albany. 23rd Nov., 1730. *Acknowledge* their letter of Oct. 12th relating to Jean Ceure tampering with the Sinnekes and to the Foxes, *ut supra*. *Continue*: We desire you to tell them that we do not think it strange that those Indians have been endeavouring to get liberty to settle and shelter themselves among the Sinnekes, and we are much more surprized that they have not encouraged those Indians to come to live among them, while they are a wise people and have taken much pains to go to war to take prisoners to strengthen themselves, and should they now refuse a whole nation of Indians to come and live in the Sinnekes country. And we think it very strange that they have delivered the two red axes to Jean Ceure in order to be sent to the Governour of Canada, while we expected that they should have sent the same to our Governour in which you may tell them that they have been much wanting in their duty. You may also tell the Sinnekes that as to what Ceure told

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them, that in case they should come and settle among them the French and English would come and cut them off, you must tell the Indians, what was the reason that the French did not assist the English when the Anogongaars Indians warr'd with them, while the English and French were in friendship, but instead thereof supplied the said Indians with powder and lead against the English, and therefore tell them that we desire that they will by all means invite the Foxes to settle among them, it being what constantly has been recommended to them by all Governours to invite and encourage as many Indians to settle among them as possible, for that is a means to strengthen them, and that we wonder since the French have so often deceived them with false stories that they cannot apprehend that the meaning of the French is to hinder the said Nation to come to settle among them, and by means thereof to keep the Five Nations low. And we cannot think that while they are sensible that we always have been one head, one heart and one body that they should suspect that we should joyn with any nation to do them harm, for on the contrary the Covenant Chain between the Six Nations and us is that we shall help each other when there's any necessity. And hereupon you must lay down a blanket strouds to renew the covenant *etc.* In the Governour's name we desire that you will heartily request it of the Indians not to grant Ceure any lands or suffer him to build, for they cannot but be sensible that a man who has been banish'd, cannot have soldiers under him, but on the contrary his design is under pretence of building a trading house, he will encroach so far on their land till he builds a fort as the French have done at Kaderachque and Tagera *etc.* We desire you will take good notice what Ceure does this winter *etc.* *The whole endorsed, Recd. 27th Feb., 1730. Copy. 4 pp.*

622. ii. Representation of the Council and Representatives of New York to the Council of Trade and Plantations. On the occasion of the repeal of several acts relating to the Indian Trade (*v.* 11th Dec., 1729), represent the state of the beaver and fur trade. Since the peace very great quantities of strouds and other Indian goods of the manufacture of Great Britain and the East Indies have been sold to the French of Canada in return whereof their payments have been made in beaver and skins *etc.* *Continues:* Although the said trade with Canada continued to encrease, so that the bulk of its furr and peltry centred in this Colony, yet upon a mistaken prospect that the French could not

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at any moderate rates be supplied with strouds but from Albany only and that without them they could not carry on any considerable trade with the remote Indians as also that if we could prevent their being furnished with them from hence those Indians would come to trade personally and directly with us, the Legislature passed the Act of 1720 prohibiting the sale of Indian goods to the French, *etc.* *Continues :* Strouds did thereupon rise to a very high and extraordinary price amongst the French at Canada, which tended only to the benefit of such as clandestinely and in contempt of the said laws supplied them therewith, but it did at the same time put the French upon measures to procure those goods (if not equal to the English yet in imitation of and somewhat near them) from France and other parts if not directly from England, wherein they succeeded so effectually that their storehouses soon filled and they abounded in strouds and other Indian goods, after which they forbad this importation of them from and the exportation of furs to this Colony *etc.* setting very strict watches upon their frontiers *etc.*, whereupon that trade was diverted from its former channels and in danger of being ingrossed by the French *etc.* To retrieve and enlarge it, the Legislature found no means so proper as by erecting a tradeing house at Oswego upon a point of the mouth of the River Onondaga which there empties itself into the River Cataraqui by which point and very near it the remote Indians constantly pass as well in going to Canada as in coming to the Six Nations or to Albany. Upon the erecting of this house the prohibition by this Colony enacted was repealed, June, 1726, it being then conceived reasonable that our traders should be enabled to afford better pennyworths to the Indians than could be done by the French who labouring under other disadvantages besides the difficulty of their navigation up the River of St. Lawrence no longer practicable than in part of the three summer months and when their goods are arrived at Quebeck have a long and difficult passage to Montreal and from thence a rapid current against them for above 150 miles before they reach their fort or first trading house upon the Lake Cataraqui could not be supposed to afford them so cheap as our traders, our navigation being good and secure for nine months in the year as far as Albany distant no more than 16 miles from Schenectady through a smooth easy road from whence to Oswego we have a very advantagious navigation for canoes and battoos (three short and

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easy carrying places only excepted) and it was conceived that a moderate duty imposed by that Act *etc.* would still leave our traders room sufficient to undersell the French. The stone trading house was according built at Oswego *etc.*, and an Act for the support of it and reducing former fines *etc.* was passed, exact care being also taken by the said act that as often as the Indians came to Oswego they were at liberty to trade with whom and for what they pleased which gave them so universal satisfaction that it afforded a fair prospect that most of the remote Indians would thereby be prevailed upon to bring their furs thither especially since they could not purchase at so easy a price from the French *etc.* But upon the report of H.M. disallowance of the acts beforementioned which foreran the arrival of it many of our young traders no longer under the restraint of the laws looked upon the Indians and their goods as no longer under the protection of the officer placed by H.E. for that purpose at Oswego (and till then acting by virtue of those laws) did with a strong hand take the beavers and furs which the Indians had brought thither carrying them to their own hutts and setting their own prices upon them which surprizing behaviour coming to the knowledge of other Indians then upon their journey to their former safe and good market they immediately returned and disposed of their effects to the French *etc.*, and as the ill usage of the Indians can no otherwise be prevented than by legal and strict regulations we are under very melancholy apprehensions of the consequences which may very soon spring from this licentious conduct *etc.* *Express* their loyalty and gratitude to the King for his many princely favours *etc.* and lay before the Board proposals for the fur trade. Though unacquainted with the particulars which prompted the repeal of the said Acts, they apprehend that complaints against them were formed upon jealousies which have "by designing men been infused from hence into certain merchants and manufacturers in England as that these late duties and regulations had thrown the furr trade into foreign hands" *etc.*, those complainants not considering that a moderate duty on Indian goods is not an obstruction to that trade, and that without it probably it may at some time hereafter be found impracticable to support that house and garrison absolutely necessary for its preservation. The Six Nations are by it secured from surprize and look upon it as a reward for their fidelity, a sanctuary in any unexpected distress, and a pledge

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of H.M. resolution to protect the distant bounds of his territories *etc.* *Enlarge* upon its effect upon the Indians. *Continue* : If we of this Colony who are the first that animated them *etc.* shall upon any motive whatsoever suffer a suspicion to prevail that we cannot or will not support Oswego the French emissaries who have long since foretold its fall will impute it to cowardice weakness and poverty, and spare neither pains flattery or rewards to incline them to revolt *etc.* The French fortress at Jagara situated on the South West as Oswego is near the East end of Lake Cataraqui and two armed barks of considerable burthen constantly maintained thereon *would be* more than sufficient to intimidate a people by fact convinced that they are deserted and forsaken by their friends *etc.* *Continue* :—*Suggest* that H.M. permission be given to support this trade by a duty either upon the goods or persons of those who receive the sole benefit and advantage thereof, or to erect and incorporate a company who should have the sole benefit of the said trade and of selling Indian goods at Oswego for a certain term of years and in consideration thereof pay an annual sum sufficient for the support of that house and garison *etc.* The Legislature (with the most humble and respectful submission to what they apprehend from the disallowance of their acts to be H.M. will and pleasure) has in this session determined to defray the expense of that house and garison by a general tax for one year least the abandoning of a place of so great consequence should for the reasons above recited render us mean and contemptible in the eyes of the Indians *etc.* and the valuable manufacture of peltry suffer any diminution *etc.*, but fear future Assemblies will hardly be inclined to burthen their constituents in order to uphold this place and the trade depending upon it from neither of which they can be said to receive any sensible advantage *etc.* *Conclude* : If your Lordships are pleased to consider the general situation of this Colony we hope that these our apprehensions will not appear ill grounded ; Nassau or Long Island which is the most populous and wealthy part of this Government (the citys of New York and Albany only excepted) and containeing King's, Queen's and Suffolk countys is peopled by husbandmen little or not at all concerned in any trade or navigation its nearest distance is 150 miles from Albany and more than 400 from Oswego, Richmond County or Staten Island the same, and the countys of Ulster Dutchess Orange and Westchester under equal

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disadvantages as to any benefit or profit arising from the beforementioned Indians or their correspondence, and these counties send seventeen members of twenty-six which compose the House of Representatives, and we intreat leave to assure your Lordships that for these reasons no tax or imposition but what can be levied upon the persons or goods of those only to whom so great and manifold advantages and considerable fortunes and estates arise by the support and establishment of Oswego and the trade depending thereon can probably in many years become so popular as to afford any reasonable and sufficient security for its continuance *etc.* *Signed*, 11 Members of Council, Ad. Philipse, Speaker, and 24 Members of Assembly. *Endorsed*, Recd. 27th Feb., 1734. 3 large pp. [C.O. 5, 1055. ff. 155-165v., 166v, 167, 168, 169, 169v.]

Dec. 21. **623.** Governor Montgomerie to Mr. Popple. Refers to New York. preceding *etc.* and concludes as to Delafaye *supra*. *Set out*, N.Y. Col. Doc. V. p. 913. *Signed and endorsed as preceding covering letter. Holograph.* 2 pp. [C.O. 5, 1055. ff. 180, 180v., 181v.]

Dec. 23. **624.** Extract from letter from Adolph Philipse, Speaker of the Assembly of New York, to Peter Leheup. What I conceive will further convince the Ministry that the supporting our fort at Oswego deserves their serious attention is the following account we have had since. First that the French are about erecting in the Sinnekas country what they pretend a trading house though the design seems rather a fort because the person sent to manage it is said to have a good number of soldiers to assist him in that undertaking. And next that they design to build another fort at the Cryn Point, *etc.* *Refers to* Governor Montgomerie's letter and encl. Dec. 21. *Continues*: As to the first place westward, it is amongst the most numerous and considerable nation of all our Indians, who possess the finest and richest lands in this Government and Tiederonquat (the place pitched upon) hath always been deemed naturally to afford all the conveniencies requisite for a fortification of importance. And as to the second northward, it is situated at the south side of Corlaur's or Champlain Lake, from whence they can march by land to Albany, and of course to any other part of this or the neighbouring colonies. Upon these considerations it is hoped that means will be found to dispose the Court of France to put a stop to any attempts of that kind by their people in these parts, at least untill the limits between the two Crowns are settled by Commissioners pursuant to the Treaty *etc.* For should the French be permitted to compleat these fortifications, they would soon bring the Six Nations under

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their subjection, and in process of time be able to drive H.M. subjects on this Continent into the sea ; which doubtless would affect us first. For their schemes are generally attended with very distant views. They already encircle most part of the British Dominions in North America *etc.* When I reflect on the situation of these affairs, it gives me very melancholy apprehensions. And though no fatal consequences may result from them in my days, give me leave to conjure you not to omit any solicitation to back what H.E. our Governour hath represented on these heads *etc.* *Endorsed*, R. from Mr. Leheup, 3rd March. *Copy.* 2 $\frac{1}{4}$ pp. [C.O. 5, 1093. ff. 155-157.]

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Barbadoes.

625. Governor Worsley to the Duke of Newcastle. Since the last that I had the honour to write to your Grace of the 12th instant, the Council has drawn up an Address to H.M., setting forth the present state of this Island, and have order'd Mr. Webster Clerk to the Council, to transmit it to Mr. Sharpe as their Agent, in order to have it presented to H.M. I have transmitted to your Grace joyntly with this an authentick copy *etc.* By the inclosed Minutes of the Assembly of the 18th instant, your Grace will find that the Assembly have petitioned H.M., praying that H.M. will be graciously pleased to order the Members of his Council here, and H.M. Governour, to concur with them in passing an Agent's bill, upon which the Council yesterday drew up some reasons in justification of their conduct, *enclosed*, and I must add one, why I could not give my assent to it, if the Counsellors had not rejected it, weh. they have a right to do without being answerable to the Assembly for their actions, that they are now actually employed in soliciting a petition to H.M., the prayer of which is directly contrary to my 96th Instruction. I am really at a loss to know what the Assembly mean by their desiring that an Agent's bill might be passed in the usual manner ; upon my arrival here, and every year since when Agents were appointed, I recommended to some of the Council, and Assembly the Gentlemen I thought were fit to be our Agents, and before the bill was brought into the Assembly they were agreed upon, and therefore the bill passed unanimously, and I am told that in Mr. Lowther's time they were chosen in the same manner, and thus any dispute that might otherwise have arisen about the persons appointed is avoided. Your Grace will find by the inclosed Minutes that the Gentlemen of the Assembly have been so good as to make up my account, but they ought to have let the world know that 'tis Barbadoes money, which is 30 pr. cent. lower then sterling. I am obliged to them for owning what I shall be entituled to the 19th of the next month, and I hope they will be so just as to find out the means of paying it. However 'tis some satisfaction to me that they can't charge me with getting anything but what every one knows I have a right to.

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Your Grace will be pleased to observe that of 22 Assembly men, there were but 13 present when they passed the petition to H.M. *Signed*, Henry Worsley. *Endorsed*, R. 30th March. 3 pp. *Enclosed*,

625. i. Council's reasons for rejecting Agent's Bill etc. 1½ pp.

625. ii. Address of Council of Barbados to the King. 'Tis an inexpressible concern to us that the occasion of our throwing ourselves at your Majesty's feet at this time should put us under the necessity of making such a representation of the present state of our country as must greatly reflect on the behaviour of many of its inhabitants etc. But while a strange and unaccountable spirit of opposition prevails so far amongst us, as even in a manner to be a defiance to the Sovereign Authority whereby all laws made here are either confirmed or repealed, it would illy become us silently to look on etc. *Narrate case of the Act for supporting the honour and dignity of the Government*, and the attempt made to evade the Order in Council declaring it to be in force "by working up those who had already been delinquents but now inclined to a better temper still to refuse giving in the numbers of their negroes to the Assemblymen, by a joyn't resolution of many of the Assemblymen themselves not to give in their own, or to return lists of the defaulters: by terrifying people from bidding for effects sold at outcry on the Treasurer's executions, and at length by influencing the Treasurer to forbear levying the penalty's and forfeitures pursuant to the said law; by all which and the like artifices there has been a large deficiency for two years last past, in the collection of the tax, and consequently the user for which it was granted could not be satisfied" etc. *Continue*: Altho' many very loyal subjects have constantly and freely paid the tax etc., yet they cannot but be uneasy when they reflect that others, who are equally able and no less bound, are discharged thereof, which in truth everyone is against whom the Treasurer does not issue his warrants four months after the time of payment etc. This is often objected to us, and we find ourselves at some loss to give a satisfactory answer etc. *Continue*: The poverty of the people and the debts of the country have been of late plausibly alledged as some excuse for the greatest outrage on authority that we believe ever was committed. Yet we cannot say that we have hitherto been sensible of the former any otherwise than may have been occasioned only by personal extravagances, and as to the latter, it is a notorious fact that many thousand

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pounds of the publick debts have actually been paid out of that very fund, which so bold an effort has been made to destroy *etc.* If the amount thereof for the two last years had been equal to those preceeding, which it well might, the whole wou'd before this time have been discharged, inclusive of what is due to Francis Whitworth Esq. and the Lord Viscount Micklethwaite *etc.* The difficulty which has been made about these last seems to owe its use to the old exploded aim at assuming a power of approving accounts previous to the issue of any orders for money (in derogation of your Majesty's prerogative and contrary to the constant usage) rather than to a principle of publick parsimony, notwithstanding, the same attempt was recently censur'd by your Majesty's disallowance of the drawft of an Excise bill drawn up according to that unreasonable and preposterous scheme. And why the Governour and Council which constitute the Supream Court of Judicature here, and as such determine all contests with regard to private property should not also be thought as competent in matters of that nature, as any set of men chosen by the people, we are apt to believe no good reason can easily be assign'd. *Testify to the "steady prudence"* with which the Governor has has conducted affairs *etc.* "We are truly sensible of our happiness under the Royal Commission and Instructions" *etc.* Signed, Wm. Webster, D. Clerk of the Council. 1 large p. [C.O. 28, 45. ff. 163-164v. (without enclosures); and (enclosures only) 28, 40. Nos. 8, 9.]

- Dec. 23. Barbadoes. **626.** Governor Worsley to the Council of Trade and Plantations. Duplicate, *mutatis mutandis*, of preceding covering letter. Signed, Henry Worsley. Endorsed, Recd. 20th May, Read 22nd Sept., 1731. 3 pp. Enclosed, 626. i., ii. Duplicates of *encl. i, ii preceding. Same endorsement.*
626. ii. Petitioner of George Culpeper to Governor Worsley. Ralph Weeks, Sheriff, rejected the votes of several freeholders at the election of vestrymen for St. Philip's parish, whereby petitioner was not returned. *Prays* for a hearing of his case before the Governor and Council. *Same endorsement.* $\frac{3}{4}$ p. [C.O. 28, 22. ff. 109-112v., 113v.-114, 115v.]
- Dec. 24. Jamaica. **627.** Governor Hunter to the Council of Trade and Plantations. By this conveyance of a merchant ship call'd the *Hunter* I have the honour to transmitt to your Lordships eight acts

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pass'd in the two last Sessions of Assembly and also the Journals of the Council and Assembly, and the Minutes of the Council to the 10th instant. The title(s) of the acts are as follows : (i) *for raising partys for dislodging and reducing the rebellious slaves in the windward and other parts of this island* ; (ii) *for raising money and applying the same to the use of the said partys etc.* (iii) *for explaining the preceding act, and giving further time for assessing, collecting and paying in the taxes therein mentioned.* The three abovementioned were pass'd the first session and their duration being only for three months they are now expired, so need not any animadversion ; (iv) *An act for keeping out the partys under Capt. Brook for a longer time.* This act is not in force, the Grand party having been disbanded at Port Antonio before it reach'd that place to be publish'd, occasion'd by the great rains and overflowing of the rivers that render'd the roads impracticable to have it sent thither within the time limited in the said act. (v) *An act for preserving the harbours of Port Antonio in the parish of Portland.* The title of this act explains the intent and purport of it *etc.* *Recommends its confirmation* ; (vi) *for repealing an act to prevent dangers that may arise from disguised, as well as declared Papists.* Some objections which I was inform'd were made to the act which this repeals by your Lordships, the obligation on masters of vessels to bring no white servants but such as were provided with proper certificates of their religion, which might prove a hinderance to the transportation of such, prevail'd with the Council to pass this repealer, and these reasons with one more viz., that it had no effect, all or almost all of the Romish religion, avowed or conceal'd having publicly renounced, or recanted, I was induced to give my assent to it. Had the original act pass'd in the forme that it was first brought into the Assembly, that is to say respecting only such as were imported from Ireland, from which sort our chief danger arises, in my opinion it would have been an act not only fitt for H.M. approbation, but necessary for the safety of security of this Island. (vii) *An act to prevent the selling of powder to rebellious or any other negroes.* The title of this act sufficiently explains the intent and meaning of it, and I think it a very necessary and good law and fitt to be lay'd before H.M. for his approbation ; (viii) *for the encouragement of voluntary partys and in default of them to raise and send out others to suppress the rebellious negroes in the windward parts etc.* Altho' the encouragements in this act are very considerable to voluntary partys, yet I am afraid it will have little or no effect, for notwithstanding this act has been pass'd above a month, few or no volunteers have offered their service, so that I have given orders as the act directs for making draughts out of the several Regiments to compleat the number therein mentioned, but as such men are chiefly indented servants and go with an unwilling heart I have but little hopes of success

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from them; however, I shall do everything in my power for that service. In my last I acquainted your Lordships of the miscarriage of our Grand Party, as 'tis call'd, chiefly occasioned or owing to the want of conduct or resolution in their Commanding Officer; who being a Member of Assembly and by them recommended to that command is now at their desire under a prosecution before a Court Martial, the result of which is not yet determined. The slaves in rebellion are so numerous and so well provided with arms and ammunition that I am perswaded they must have some intelligence with and encouragement from some either without or within this Island, which is in so weak and defenceless a condition that 'tis no vision to suppose they may one day become a prey to their own slaves, and whatever methods have been hitherto projected or entered into by the Assembly for the security of this Island have been but meer grimace, and no ways sufficient for the purposes intended, of which H.M. Council here were so fully perswaded that towards the close of the last session they agreed upon an humble representation to H.M. upon that subject, which I send by this conveyance to his Grace the Duke of Newcastle, in order to be lay'd before H.M., with the most sincere tender of our duty, and loyalty; and to which I intreat your Lordships' countenance and favour. *Encloses copy and answers to Queries etc. Continues* :—By which [*answers*] you will please to observe the value of this Colony, and the importance it is of to the Crown of Great Britain, and as these calculations and estimates have been taken from the most authentick informations I have been able to procure, I hope they may give your Lordships intire satisfaction. The Naval Officer's accounts will satisfie your Lordships as to the number of our shipping, which is the only querie not particularly answered. *Repeats his* request for great guns and ordnance stores for the new fortifications. *Encloses* letter from the General of the gallions from Cárthagene relating to the *Genoese etc.* Admiral Stewart who has taken great pains to guard the wreck, recover the treasure and prevent depredations has at the desire of the General of the gallions thought fitt to putt under the care and direction of Don Herrera a Knight of Malta all the treasure and effects that have been saved, *etc.*, who is to embark with the same on board H.M.S. *Adventure*, Lord Muskery Commander, whom the Admiral has ordered to call at the Havana to take in that part of the treasure which was carried off by the second Captain of the *Genoese* to Trinidado in one of our sloops, which he carried off to their assistance, and who is now a prisoner as I am informed at the Havana. Lord Muskery is ordered by the Admiral to proceed from thence with the said Herrera and the treasure to Cadiz in his way home; but of this Admiral Stewart will send full particulars to the Lords of the Admiralty *etc.* *Refers to* case of Neal Walker and Proclamation for his arrest and seizure of Spanish treasure

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brought in *etc.* (v. 1st Oct. *supra*). *Continues* :—In pursuance of which Mr. Stout one of the Custos's to the Leeward seized or had delivered to him treasure to the value of 6000*l.* or thereabouts, which by my order he delivered over to Don Guiral *etc.* There has been another Spanish vessel wrecked upon one of the little islands to the leeward of this call'd the Camanas, loaded with wine and brandy and some dry goods, a brigantine call'd the St. Michael from Cadiz bound to Vera Cruz; seven men who were only saved out of forty-six were brought into this island from thence by one of our turtling vessels, who also brought in the crew of Mr. Ware's sloop which had been carried off by the second Captain of the *Genoese* to Trinadado, and was wrecked in the same place about the same time on her return; they report that Neal Walker has been also a plundering that wreck, so that it seems he takes refuge in one of the above-mentioned islands. I shall do what I can to have him secured, in the mean time the Naval Officer has by my order seized such wines and brandy as were brought off from that wreck by the turtlers or others for the King, that it may be restored to the just claimants; as yet I have had no particular account of the quantity so seized *etc.* Signed, Ro. Hunter. Endorsed, Recd. 13th March, Read 13th July, 1731. 7½ pp. Enclosed,

627. i. Address of the Governor and Council of Jamaica to the King. *Express* their sincerest attachment to His Majesty. Nov. 21, 1730. Think themselves bound in duty to represent the dangerous and defenceless state of the Island. *Continue* :—This Island hath for many years past been in a declining condition as to its trade, and the number of white inhabitants is very much decreased so that wee have great reason to apprehend there is not in it a strength sufficient to resist an invasion either of the French or Spaniards in case of a rupture *etc.*, their Colonies being populous and so comodiously situated for an attempt of that kind, that wee cant fail becoming a prey to them. Many of our slaves have run into rebellion, and fixt themselves in fastnesses in the mountainous parts of this island, from whence they have of late made frequent incursions and committed great ravages upon the new settlements. They are now grown to a greater head than ever, and wee have less power to quell them, having neither means nor power to help ourselves. Wee are more convinced of the weak and defenceless condition of the Island by the defeat of several partys which have been lately fitted out at a great expense of men and money in order to reduce those rebels, but by the want of experience in the Officers, and of discipline in the men, they have always miscarried or met with little or no success, which hath

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encouraged our slaves to that degree that wee are under the greatest apprehension of a general insurrection, which may be the entire ruin of this Colony, there being so great a disproportion in the number of whites and blacks. Our neighbours seem sensible of this our weakness and the Spaniards in particular have not scrupled of late publickly to boast what an easy conquest they shall one day have over us. Wee beg leave to assure your Majesty that these evils are not distant and imaginary nor are wee apt too suddenly to take alarms, but wee think it our duty to lay this before your Majesty that this country may not be lost for want of a due and timely representation *etc.* *Pray that measures may be taken for their security etc.* *Signed,* by order of H.E. and the Council, Jos. Maxwell, Secry. 2 $\frac{3}{4}$ pp.

627. ii. Don Manuel Lopez Pintado, General of the Galleons, to Governor Hunter. 4th Nov. (N.S.), 1730. Relating to the *Genoese* wreck. v. preceding. *Spanish. Copy.* 1 $\frac{1}{2}$ pp.

627. iii. Governor Hunter's Answers to Queries by the Board of Trade. (i) The natural soil is very fertile and produces sugar, molosses, rum, indigo, cotton, ginger, piemento or all spice, fustick, ebony, lignum vitæ, mohogony and other valuable timber, and of late coffee, and if the island were improved, there is land uncultivated sufficient to make sugar to serve all Europe. *Estimate of annual shipments to* (a) Great Britain :—(*Totals :*) 25,000l. hhds. sugar, = 300,000l. sterl. ; 7000 puncheons of rum, 100 galls. each, reduced to 80 galls. delivered at the mast, = 42,000l. ; 100,000 bags of ginger, 1 cwt. each, c. = 40,000l. ; cotton, 30,000 bags, 150 lb. each, 20,000l. ; piemento, 400,000 lb., = 10,000l. ; Mohogony, 20,000l. Duty paid in Great Britain on above rum, sugar, ginger and piemento, = 230,583l. ; freight paid in Gt. Britain, 97,205l. (b) To the Northern Colonies : Molosses, 400 casks at 70 galls. each, and some indigo, fustick, ebony and lignum vitæ.

(b) By the best calculation there are in Jamaica, 100,000 negroes, valued at 25l. each ; 200,000 cattle, mules and horses, at 5l. each ; 400 sugar works, at 1000l. each. Lands and houses, value uncertain. (ii) *Gives* latitude and longitude of the Island, and history of Port Royal and Kingston : " Kingston arose out of the ruins of Port Royall and is at present the most considerable place of trade and merchandize. It is very regularly built and has a great many good houses and fine habitations in it *etc.* The town of

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Titchfield at Port Antonio is as it were in embryo, consisting at present but chiefly of hutts and very few houses, but as it has by nature a strong and commodious situation for trade, has the best harbour in this island, adjacent to it, it's probable it may in time come to be a very thriving place, especially when the rebellious negroes (whose chief residence is but about 12 miles distance from it) shall be destroyed or taken *etc.* (iii) *Refers to Naval Officer's accounts. Continues* :—The number of seafaring men is very much decreased of late, occasioned chiefly by the decay of trade which formerly employed upwards of 30 sloops which carryed between 30 and 40 men apeece, and now not above 5 or 6 *etc.* About 20 years ago there were 1500 seafaring men actually inhabitants of the Island, and now not over 200. (iv) The chief manufactures imported from Gt. Britain are woollens and linnens *etc.* The value formerly amounted to 5*l.* or 600,000*l.* pr. annum, but of late has fallen considerably, occasioned as 'tis said by the obstructions that sepearate traders meets with upon the Spanish coast. (v) The chief trade with foreign Plantations is carryed on by sloops to the French on Hispaniola. Wee carry to them negroes and current cash, our returns are chiefly in indigo and some sugar, some people are of opinion that this is not a beneficial trade to this Island, others have different sentiments. Wee formerly had a very considerable trade to most of our neighbouring Spanish settlements, as well to the Continent as to their severall adjacent islands, but that is now mostly at an end especially at those places where the South Sea Company have factorys settled, and the number of seafaring men which were formerly employed in this trade were of great strength and security to this island. I know of no trade from this island to any part of Europe except to the Northern Colonys but what centers in Great Britain. Indeed there is a considerable trade carryed on betwixt us and the Northern Colonys, the importation from thence chiefly consists in flower, bread, corn, beef, pork, butter, salt fish, rice, staves, lumber of all kinds and horses, in return they only take from us a small quantity of molosses, the rest of their returns is chiefly in cash *etc.* This country could supply itself with most of those commoditys, but the inhabitants are so intent upon making of sugar, which it seems turns to better account, *etc.* Could they be prevailed upon, it would be the means of employing numbers of white people

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and improving great part of our uncultivated land. (vi) The methods used to prevent illegal trade are by putting in execution the Acts of Trade and Navigation and the munciple laws of the Island, particularly an Act to prevent clandestine trade, tho' considering the large extent of the island and the want of a sufficient number of port officers and the thinness of the inhabitants, there may be some illegal practices carried on at some of our remote bays and creeks *etc.*, it being impossible for the Government here to keep a sufficient number of port officers at so many different and remote parts. (vii) There are no manufactures except of the produce mentioned (i). (viii) Refers to (i). (ix) Numbers of inhabitants as returned from each of the 19 parishes. *Totals* :—Masters and mistresses, 2171 ; white men servants, 3009 ; women ditto, 984 ; white children, 1484. Free negro, Indian and mulatto men, 136 ; women ditto, 321 ; children ditto, 408 ; slaves, 74,525 ; cattle, 55,341. *Continues* :—This computation of the negro slaves and cattle differs considerably from the computation in (i), which I take to be the truest, having had it from such gentlemen as have been conversant in these affairs for many years. (x) By all accounts the inhabitants are of late considerably decreased, it having been some years ago computed there were 10,000 white men, women and children, the return now made is only 7648. I take this in a great measure to proceed from our decay in trade and want of due encouragement by law for white men and their familys to come and settle, and it is a generall mistaken notion that there is not land sufficient to give 'em upon their arrivall, there being still enough ungranted and uncultivated for many hundreds of familys, the French upon Hispaniola have an admirable method of improving and cultivating their Colony, the King by his order obliges every merchant ship trading thither to carry a proportionable number of white people according to their tonnage freight free, upon their arrivall the Government allotts them a proportionable quantity of acres suitable to the number of their familys, gives them credit for a number of negroes and utensils for manuring their ground with sufficient provisions untill the land given them can produce the same, for which the poor people give bond to the King to pay the value of the negroes utensils and provisions so soon as the lands so given them shall produce the same. So that in this case your Lordships will observe there only wants first an originall fund, because the annuall income afterwards will be sufficient

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to support the same. By this means that Colony is mightily settled and improved. This and such-like proposalls have been often mentioned to our Legislature here but alas without success, there has been always some private views or other that have obstructed proposalls of that kind. (xi) By the returns made to me by the severall Collonels of the Militia, I compute there may be about 3000 effective men horse and foot fit to bear arms, but it is to be observed that the greatest part of them are hired and indented servants, who have no property in the country, so that it may justly be apprehended that many of them considering their religion might prove rather of disservice than of use to us in case of a rupture at any time with France or Spain *etc.*, and this small body are scattered from one end of the island to the other, and could not be gathered together in a considerable time so as to make any tolerable defence in case of any sudden attempt upon this island. (xii) The French at Martinico and Hispaniola are considerably increased both in number and strength, and the Spaniards are strengthening the harbours of Carthagena, the Havanna and other places, and as they are very populous our greatest danger is to be apprehended from them *etc.* (xiii) The effect those settlements have upon the trade of Jamaica has already been answered *etc.*, and in case of a rupture is plainly to be observed from their situations. The French at Petit Guavas on Hispaniola and the Spaniards at St. Iago on Cuba can effectually annoy and take all our ships that comes or goes through the Windward Passage unless wee have a superiour squadron kept here to protect the trade. The Spaniards may do the like at Havanna to such of our trade as may go to Leeward thro' the Gulf, and the privateers from Porto Rico and St. Domingo are even now in time of peace troublesome, but would be much more so in case of a warr to such ships as should be bound from Europe or Guinea hither. (xiv) The Revenue and its appropriation. *Charges on the Revenue* :—Capt. General's salary, 2500*l.*; Forts and fortifications, 1250*l.*; Chief Justice's salary, 120*l.* Officers and gunners at Fort Charles, 803*l.* 2*s.* 6*d.*; Captain of the Train in Spanish Town, 45*l.* 12*s.* 6*d.*; Auditor General (150*l.* at 35 p.c. excha.) 202*l.* 10*s.*; Waiter's salary, 120*l.*; salaries of Clerks and other Officers of Government and contingent charges (average), 2958*l.* 15*s.* *Total* : 8000*l.* per ann. *Receipts* :—Impost at a medium of nine years last, 2,966*l.* 2*s.* 1*d.*; by Quit-rents, 1,460*l.* 14*s.* 3*d.*; fines, forfeitures and

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escheats, 487*l.* 13*s.* 3*d.*; wine lycences, 200*l.*; gunpowder, 257*l.* 2*s.* 11*d.*; a new impost, including indigo at 3*d.* per lb. and sugar at 3*d.* pr. hundred, computed at 3000*l.* *Continues*:—*The last item* has for some time past fallen considerably short, so that there will be a deficiency and consequently a supply wanted from the country to make up *etc.* (xv) The quit-rent since the Earthquake in 1692 is $\frac{1}{2}$ *d.* per acre for all lands pattented. As to what number of acres remain untaken up or uncultivated, it would require a general survey and rent roll of each parish to ascertain, and that (tho' necessary) would be a work of time and attended with great difficultys and charge. (xvi) Answered in xiv. (xvii) There is one Supreme Court of Judicature held quarterly for the whole country consisting of a Cheif Judge who is Cheif Justice of the Island and has six Assistant Judges who by a law of the country have power in all causes eivill and criminall *etc.*, as the Courts of King's Bench, Common Pleas or Exchequer in England. The Officers who hold by pattent from the Crown on the Island establishment are:—Governor Hunter, 2,500*l.*; Alex. Henderson, Attorney General, 400*l.* (per agreement with the Council); Richard Mill, Cheif Justice, 120*l.* (established by law); Horatio Walpole, Audr. General (salary pd. in England sterl. money) 150*l.*; George Ellis (Inspector and Comptroller of H.M. Customs, appointed by warrant from the Commissioners), who allow him payable out of the dutys, 150*l.*; Giles Diston, ditto. *List of Civil Officers who act by patent and have no salary*:—John Anthony Belaquier, Secretary, Joseph Maxwell his deputy; Peter Forbes, Provost Marshall, Edmund Hyde, his deputy; Anthony Corbier, Naval Officer, John Butell, his deputy; John Page, Clerk of the Grand Court, Wm. Henderson, his deputy; — Wyndham, Clerk of the Patents, Tho. Pearce, his deputy; Coleman, Clerk of the Crown and Peace; has no deputy, but Kyrle Bowerman officiates by my warrant. Admiralty Officers, by patent from the Admiralty, William Brodriek, Judge of the Admiralty, William Cockburn, Register; Alex. Henderson, Advocate General, George Fisher, Marshall. Military list; two Captains and six lieutenants of the Two Independent Companies, on the English establishment; on the island establishment, William Dalrymple, Capt. of H.M. fort at Port Royal, 6*s.* per diem; George Fisher, Lieut., 4*s.* 6*d.*; 12 montrosses, 2*s.* 6*d.* each; armourer, 40*l.* per ann.; David Thomas, Capt. of the train in Spanish Town, 45*l.* 12*s.* 6*d.* *N.B.* Besides

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the Grand Court there are in each precinct a separate Court held quarterly called a Petty Court for tryall of all causes under 20*l.* value in their several precincts. There are likewise a Custos and several Justices of the Peace in each precinct, there is likewise a Court of Chancery generally held at Spanish Town where the Governour for the time being presides as Chancellor assisted with two masters. (xviii) The Engineer being indisposed cannot answer at present as to the forts and fortifications. *The whole endorsed*, Recd. 13th March, 173^d. 5 large folded pp. [C.O. 137, 19. ff. 37-40v., 41v.-44v., 45v., 46, 47, 48, 49, 50, 50v.]

Dec. 24.
Jamaica.

628. Governor Hunter to the Duke of Newcastle. Acknowledges letter of 25th Sept. and has published the order relating to the depredations committed by Spanish vessels *etc.* *Continues* :—I hope it will have its effect on the minds of the traders who began to be very uneasy as well as on the Spanish cruisers who have acted illegally and unwarrantably with the connivance, if not the encouragement of some of their Governors. *Encloses copy of preceding letter to the Board of Trade and repeats part of it.* *Concludes* by reminding him of memorial for guns and stores for Port Antonio : “ Our workmen are now upon the spott (the weather permitting) carrying on the works with what expedition they can ” *etc.* *Signed*, Ro. Hunter. *Endorsed*, R. March 25, 1731. *Enclosed*,

628. i. Copy of encl. ii preceding.

628. ii. Copy of Hunter to C. of T. preceding.

628. iii. Copy of encl. i preceding. [C.O. 137, 53. ff. 285-289, 291-294, 295.]

Dec. 24.
New York in
America.

629. Mr. Bradley to the Council of Trade and Plantations. I humbly pray your Grace will be pleased to recommend to the Lords of Trade and Plantations, the speedy consideration of the inclosed case. *Signed*, R. Bradley. 1 p. *Enclosed*,

629. i. Case of the Attorney General of New York. He was appointed by H.M. warrants, Sept. 1722 and Feb. 1728, with the same salary and fees as his predecessors. Mr. Rayner had 150*l.* sterling, from home, per annum. At this rate, he should have had 1200*l.*, but has received in all for salary 52*l.* There is due to him for fees for public prosecutions 1878*l.* sterl. of which he has been voted only 150*l.* from the Assembly in their last sessions, of New York money, which is scarcely 91*l.* sterl. *Concludes* :—For want whereof I and my family labour under inexpressible hardships *etc.*, neither is there any hopes of any redress from hence ; the people in these countrys seeming determind to starve and weary out the officers of the Crown, as those who

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are most likely to oppose their seeming views to an early independancy on Great Britain. *Signed*, R. Bradley. 1 p. [C.O. 5, 1093. ff. 157, 158.]

Dec. 25. **630.** Petty expenses of the Board of Trade from Michaelmas to Christmas, 1730. (*v. Journal*). 6 pp. [C.O. 388, 79. Nos. 70-73.]

Dec. 25. **631.** Mr. Philipse to Mr. Leheup. *Abstract*. Encloses New York. duplicates of what he wrote 5th Dec. Requests copy of the Albany Memorial against the Oswego acts, with the names of the signers. If hereafter any acts of such importance as those should be disallowed, care must be taken to have it signified here in the speediest manner, lest they should be left in a similar dilemma as the want of the repeal of those acts occasioned. "For tho' it passed in Dec. 1729, the same did not come to the Governor's hands until the middle of August *etc.* *Refers to* enclosed printed votes of Assembly and copy of representation therein mentioned (? *v.* 21st Dec.), and entreats his earnest solicitation on behalf of it. "For to desert Oswego, or leave the Indian trade loose there, would be of fatal consequence. And it's very improbable that the Assembly will againe provide for that charge by a general tax. Nor dos that seem reasonable, because no part of the Government but the trade itself reaps the bennefit : which is evident, by the present circumstances of the traders ; who now have almost all their Indian goods from England on their owne accountes, whereas they formerly bought the same from the merchants and factors at New York." *Refers to* French designs to build a fort in the Sinnekes' country and another at the Cruyn Point. (*v.* 21st Dec.) *Hopes that* means will be found to dispose the Court of France to put a stop to any such attempts *etc.* For should they complete these fortifications, "they would soone bring the Six Nations under their subjection, and in proecess of time be able to drive H.M. subjects into the sea : which would doubtless affect us first. For their skeems are generally attended with very distant views. They already encircle most part of the British Dominions in North America. And there is no certainty that the present good understanding between the two Crowns wil subsist for ever. When I reflect on the seituation of these affairs, it gives me very melancholy apprehentions. And tho' no fatall consequences may result from them in my days, give me leave to conjure you not to omitt any solisitation to back what H.E. has represented on those heads." (*v.* 21st Dec.) *etc.* The Governor has drawne no bills at this time, but promist to spare one for you out of the first he draws *etc.* *Signed*, Ad. Philipse. *Endorsed*, Reed. (from Mr. Leheup), Read 9th April, 1731. *Holograph*. 3 pp. [C.O. 5, 1055. ff. 178-179v.]

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Dec. 27.
Charles
Town.

632. Governor Johnson to the Council of Trade and Plantations. *Abstract.* Upon his arrival proclaimed his Commission. Returns old Seal and has published H.M. orders for use of the new, and has obeyed instructions, Sept. 25, 1730, as to reprizals to be made for depredations by Spaniards *etc.* *Concludes* :—The seven Cherriquee Indians committed to my care, are all arrived here in good health, and mighty well satisfied with H.M. bounty to them. *Signed*, Robt. Johnson. *Endorsed*, Reed. 23rd Feb., Read 31st March, 1731. 2 pp. [C.O. 5, 362. ff. 19, 19v., 25v.; and (*abstract*) 20; and (*abstract only*) 5, 406. p. 26.]

Dec. 27.
Charles
Town.

633. *Same* to the Duke of Newcastle. Duplicate of preceding. *Endorsed*, R. Feb. 18th. $1\frac{3}{4}$ pp. [C.O. 5, 388. ff. 29, 29v., 30v.]

Dec. 28.
So. Carolina.

634. Mr. Bonnet to Mr. Delafaye. The inhabitants of Providence as well as their Governor labours under a great deal of uneasiness occasioned by one Mr. Colebrooke, who was associated with Mr. Rogers junr.; he is a man of pleasant conversation, and good sense but extremely perverse in temper, having affirmed in the Assembly of which he was Chairman (when the Governor and Councill recommended to them the raising money for repairing the Fort, *etc.*) that the Governor when in England had receiv'd from the Government 500*l.* sterl. for that purpose and strenuously incisted that he shou'd repair the fort at his own expence, or give an account of that money tho' in the warrant to receive it 'twas mentioned for past services; It is well known that Governor Rogers lost considerably in his former administration in retrieving the island from the hands of the pirates and maintaining it against the Spaniards, and has been at great expence lately in building barraeks in the fort and for the soldiers, there not being when he arrived a place for them to shelter in, nor even their arms from the rain. The Governor dissolved the Assembly the 9th instant at which time Mr. Colebrooke seized on all their proceedings with all the papers belonging thereto tho' the Govr. is required by his Instructions to forward fair transcripts to H.M., *etc.*, which Mr. Colebrooke could be no ways ignorent of, having heard them read lately, and must have a copy of 'em by him which was sent to the Assembly for their perusal and better Government. The Govr. and Councill required him by a letter to deliver them up, that the Clerk might take eopys *etc.*, and afterwards by a verball message by one of the Councill and the Cl. which he still refusing the Governor was obliged to send his warrt. to bring Mr. Colebrooke before him and Councill, who then told him he positively would not deliver the Assembly proceedings, for which the Governor committed him, and was admitted to bail according to his petition to the Governor and Council and is to

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be heard in a few days at a Spetial Court *etc.* I think these proceedings are in some measure commencing a civill warr. There are many other such vexatious proceedings of Mr. Colebrooke's *etc.*, as well as of one Mr. White his great friend, and till within few days our Chief Justice, who took the liberty while setting on the bench, to say, in a great passion, that the Governor was arbitrary, for having confined a person for felony, who was one of the Attorneys of that Court, and was to have defended a cause, against a person, who was so notorious, that he has been condemned to be hang'd at St. Christophers ; whose part Mr. White took very much, and would not allow the cause to be tried. Since I am here, the Govr. has wrote me word to return to Providence having another view of serving me then that of going to England *etc.* Signed, Lews. Bonnet. 2 pp. [C.O. 5, 388. = No. 8. ff. 31, 31v.]

Dec. 29.
Custom ho.,
London.

635. Mr. Carkesse to Mr. Popple. The Commissrs. have consider'd the Act of Virginia *etc.* (v. Dec. 10th), and in their opinion the said act will be a prejudice to the revenue under their management for the following reasons. (i) The duty of 3s. pr. hhd. which is to be paid by the planters for having the tobacco hhd. examined, stamped and nailed, with the other expences and restrictions which they will be subject to in complying with the act will discourage many of the lower sort from planting tobacco and be the means of advancing the price of what is raised by the rest, which will lessen the consumption and consequently the revenue. (ii) If the Inspectors to be appointed for making the said examination should under the pretence of bad tobacco, prevent the ordinary sort from being brought hither, it wou'd be a great loss to the revenue by reason that all tobacco pays the same duty, and the Commrs. apprehend it is the ordinary sort of which there is the greatest consumption upon account of it's cheapness. The Commissrs. are further of opinion that the laws of this Kingdom do very well provide against the importation of all tobacco which is really bad, by reason that if the importer upon landing it here thinks any part unmerchantable, he is at liberty to cut it off without paying any duty for it, in which case it is burnt by the proper Officers. As to the provision made that every master shall deliver to the Naval Officer two fair manifests of his lading and swear to the contents in order to be sent to the Cheif Officer of the port where the ship is bound, the same method has been many years in practice pursuant to the Instructions given by this Board to their Collectors in America, before whom every master is already obliged by law to make oath of the true content of his lading before he clears from thence, of which one copy is sent home by the ship and another copy by some other conveyance, but there being no penalty on the master if he fails to deliver them, they are frequently

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sunk, and the like is to be expected with regard to such invoices as the Naval Officers are to send home by this act when it will answer any fraudulent designe, since no provision is made therein to oblige them to deliver it, nor cou'd any penalties laid for that purpose be recovered in this Kingdom, for which reasons the Commrs. are also of opinion that this part of the act is of no service to the revenue *etc.* *Signed*, Cha. Carkesse. *Endorsed*, Reed. 1st, Read 20th Jan., 173^o₁. 3 pp. [*C.O.* 5, 1322. ff. 93-94v.]

Dec. 31.
Whitehall.

636. Council of Trade and Plantations to the Lords Commissioners of the Treasury. Request payment of Office expences and Officers' salaries for quarter ending Christmas. Account annexed. [*C.O.* 389, 37. pp. 320-322.]

Dec. 31.
Whitehall.

637. Council of Trade and Plantations to the Duke of Newcastle. Enclose following. *Autograph signatures.* 1 p. *Enclosed*,

637. i. Draft of Warrant empowering Governor Burrington to use a new Seal for North Carolina, *described*, the former one to be returned to the Council of Trade *etc.* 1½ pp. [*C.O.* 5, 306. Nos. 19, 19i; and 5, 323. ff. 50-51.]

Dec. 31.
Whitehall.

638. *Same* to the Committee of the Privy Council. *Representation* upon petition on behalf of Connecticut, upon repeal of the act for settling intestates' estates *etc.*, referred to them April 25th. The annulling of the said Act for dividing the lands of intestates must certainly be attended with great confusion amongst the people of Connecticut; and therefore we are of opinion, it would be an instance of fatherly tenderness in H.M. to comply with their request with regard to the quieting of possessions already vested: And we think this may be done by H.M. Royal licence to pass an Act for that purpose, with a saving therein for the interest of John Winthrop Esq. But we can by no means propose that the course of successions to lands of inheritance in this Province should for the future be established upon a footing different from that of Great Britain. In return for so great a favour from the Crown, we apprehend, ye people of Connecticut ought to submit to the acceptance of an explanatory Charter, whereby that Colony may for the future become at least as dependent upon the Crown and their native country, as the people of the Massachusetts Bay now are, whose Charter was formerly the same with theirs. And we think ourselves the rather bound in duty to offer this to H.M. consideration, because the people of Connecticut have hitherto affected so intire an independency on the Crown of Great Britain that they have not for many years transmitted any of their laws for H.M. consideration, nor any accounts of their

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publick transactions. Their Governors, whom they have a right to choose, by their Charter, ought always to be approv'd by the King, but no presentation is ever made by them for that purpose; and they, tho' required by law, to give bond to observe the Laws of Trade and Navigation, never comply therewith, so that we have reason to believe, they do carry on illegal commerce with impunity, and in general we seldom or never hear from them, except when they stand in need of the countenance, the protection or assistance of the Crown. But if this method of giving relief to the people of Connecticut should not be thought adviseable, H.M. may allow them to apply to Parliament, in which ease it is to be hop'd, proper care will be taken by the Legislature of Great Britain, to secure the dependance of this Colony upon H.M. and their Mother Country. [C.O. 5, 1294. pp. 24-28.]

Dec. 31.
Whitehall.

639. Duke of Newcastle to Governor Hunter. The desire I have of shewing on all occasions my esteem and friendship for Mr. Poyntz has engaged me to write *etc.* in behalf of the executors of his brother, that they may have your favour and countenance in recovering the effects of the deceased for the benefit of his children *etc.* Nothing is desired but that they may have justice done them with as much dispatch as you can procure for them, without doing anything contrary to Law *etc.* Signed, Holles Newcastle. Copy. [C.O. 324, 36. p. 251.]

640. Correspondence of Commandants of Essequibo with the Directors of the Dutch West India Company. [C.O. 116, 26.]

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641. Petition of Thomas Burnett to the King. In consideration of the services of Bishop Burnet, His late Majesty appointed his eldest son William Burnet Comptroller of the Customs. Mr. Burnet by unfortunate dealing in public stocks having involved himself in considerable debts, His late Majesty in 1720 authorised an exchange between him and Mr. Hunter, by which means had he continued some years longer in the Government of New York, he would have been enabled to pay his debts and provide for his destitute family *etc.* But it being thought for H.M. service to remove him to the government of the Massachusetts Bay, he behaved with the most unshaken fidelity to H.M. Instructions, not accepting the many presents offered him by the Representatives upon terms contrary thereto *etc.* By his removal from New York he lost an income of 3000*l.* a year and had no salary assigned him in his new Government, and was obliged to keep up the dignity of his post at the expense of his private fortune. *Begs for* H.M. charitable bounty to said Burnet's children. Signed, Thomas Burnett. 2 pp. Without date or endorsement. 2 pp. [C.O. 5, 752. No. 47.]

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642. Governor Johnson to the King. Upon a representation (*v.* 20th Feb.) that twenty 18 pounders, forty 12 pounders and twelve sackers with ball in proportion and 500 musketts with swords and pistolls were necessary to be sent to S. Carolina, *etc.*, your Majesty was pleased to refer the same to the Board of Ordnance *etc.*, who compute it will cost 5119*l.* 1*s.* but represent that they have not any money ordered for such service *etc.* *Prays* that they may be instructed to supply said stores immediately and that the expence thereof be made an article in the next estimate to be laid before Parliament as was done in similar circumstances in the case of the Bahama Islands (*v.* following). *Undated.* 1 *p.* *Enclosed,*

642. i. Order of King in Council, 26th Sept., 1728.

Approving list of stores necessary for the security and defence of the Bahama Islands and an estimate thereof amounting to 3802*l.* 7*s.* 2½*d.*, prepared by the Board of Ordnance *etc.* In regard to the great consequence of the said Islands, by their situation, to the Crown of Great Britain, and to the Trade and Navigation of H.M. subjects, H.M. doth hereby order that the stores be sent as soon as conveniently may be, and that the expence thereof be made an article in the next estimate to be laid before Parliament *etc.* *Copy.* 1¼ *pp.* [*C.O.* 5, 383. *Nos.* 40, 41.]

[? 1730].

643. Governor Johnson to the King. *Requests* that a second Independent Company of 100 men may be appointed to garrison the S. Carolina forts at Port Royal, Fort Moor, Pallachuccola Fort and Johnson's Fort, which are but weakly garrisoned, there being but few white men in the province and they require to be paid treble the charge of common soldiers sent from hence *etc.* *Undated.* 1 *p.* [*C.O.* 5, 383. *No.* 42.]

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644. List of letters relating to Sta. Lucia written to the Board of Trade, Feb. 12th—Nov. 13, 1730. "In the Domestick Book." 1½ *pp.* [*C.O.* 253, 1. *No.* 54.]

645. Brief précis of correspondence in Secretary of State's Office relating to Sta. Lucia, Oct. 2, 1719—Nov. 30, 1730. *Concludes with memorandum that*, on Nov. 30, 1730, the report of the Board of Trade (26th Nov.) was sent to Lord Waldegrave, with a duplicate, signed by H.M., of an order for evacuating Sta. Lucia, St. Vincents and Dominico, according to the new draft *etc.* (*v.* 26th Nov.), and the three voluminous reports of 9th July about Sta. Lucia, ? 26th Aug. about St. Vincents, and 7th Sept. about Dominico. 10 *pp.* [*C.O.* 253, 1. *No.* 60 ; and (*in Mr. Delafaye's handwriting*, 7 *pp.*) 152, 43. *ff.* 53–56.]

[? 1730].

646. Governor FitzWilliam to the Duke of Newcastle. Asks that his Commission for the Independant Company may

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be dated from the death of his predecessor. Immediately after he had kissed H.M. hand on his appointment as Governor, he sent letters to S. Carolina and other places to provide for their subsistence, but his commission remains still undated *etc.* *Without date or signature.* $1\frac{1}{8}$ pp. [C.O. 23, 12. No. 102.]

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647. Governor Johnson to the Queen. From the death of General Nicholson until the arrival of memorialist in S. Carolina, Arthur Middleton, President of the Council has kept the whole of the Governor's salary and perquisites, though not entitled to more than a moiety *etc.* Memorialist has been at great charge for almost a year after his Commission was passed in attending the Committees of Council and Board of Trade upon adjusting the affairs of that Province, and in settling a Treaty of friendship with the Charokee Indians, some of whome were at that time in England, and whom he was ordered to wait for, in order to carry them over with him. He has been deprived of the command of the Independant Company there, worth 10*s.* a day to his predecessor *etc.* *Prays* that the above moiety may be paid to him, *etc.* $1\frac{1}{2}$ pp. [C.O. 5, 383. No. 54; and (*duplicate*) 55.]

[? 1730].

648. Petition of Charles Dunbar, Surveyor General of the Customs, Antigua, to the King. In Feb. 172⁸, the Spanish ship *Santa Reta* was cast away on the shoals of Barbuda. About 70,000 weight of damaged cocoa, 16,000 weight of snuff and a parcel of Spanish coin said to amount to 60,000 pieces of eight, was brought to Antigua, and the snuff and cocoa, was lodged in the Custom House by petitioner to prevent clandestine trade or embezzlement. The officers of the ship kept possession of the coin. A few days later upon information that war had broken out with Spain, and that several English vessels were taken off Santa Cruix and one on the high seas by a Spanish privateer, petitioner seized and sold the snuff and cocoa at public outcry, and seized all the money he could discover which amounted to no more than 7000 pieces of 8, the rest being secretly sold to and shipped off by sympathising inhabitants. Upon a representation of the Directors of the South Sea Company desiring restitution might be made of said Spanish effects, the Duke of Newcastle in March last instructed the Governor of the Leeward Islands to cause such restitution, if he found the cause might come within the article for the restitution of Spanish prizes in the Treaty of Seville *etc.* The representation of the South Sea Company (v. 10th March) was misleading. The case was plainly one of those seizures which by said Treaty are to be decided by Commissaries appointed for that purpose *etc.*, to whom petitioner prays that it may be referred *etc.* *Without date or endorsement.* $1\frac{1}{2}$ pp. [C.O. 7, 1. Nos. (shorter version) 33; and 34.]

1730.

[? 1730].

649. Sir Alexander Cuming, Bart., to the Duke of Newcastle. Since your Memorialist has delivered up to H.M. the Crown with which the Cherakee Nation intrusted him, and has laid the same at H.M. feet as an emblem of H.M. Sovereignty over them, together with the five eagles' tails as an emblem of Glory which that people invests H.M. with, your Memorialist haveing herein discharged his trust, cannot now take upon him to give any directions or assume to himself the charge of these people, unless he receives first H.M. authority for doing so. Your Memorialist is informed that H.M. has given directions about a provision for these people, but cannot take notice of that report unless it is properly signified to him by your Grace: If it is so, they must receive it as a testimony of H.M. singular favour, and not what they or your Memorialist could hope for in bringing them over, for it was allways your Memorialist's aim to keep down their expectations, that they might be disappointed in nothing, and consider everything they saw and mett with as extraordinary. If H.M. has been graciously pleased to order them anything, your Memorialist humbly begs that it may not pass throw his hands lest it should be thought that his own particular interest rather than H.M. service was concerned in his behaviour, but hopes that it may be directly applyed to the discharge of those bills for their maintinance here which your Memorialist must otherways be answerable for, as your Grace will see by the annext letter sent him by Mr. Crow of this place with whom they have lodged ever since he brought them here by your Grace's commands *etc.* If it had not been for this step which your Memorialist has taken to bring those Indians over here, the lower Cherakee Nation would before this time have been seduced to the French interest from presents which the French proposed to make them and consequently that strong barrier to our settlements lost, according to the best information your Memorialist could gett in that country. $\frac{3}{4}$ p. *Enclosed,*

649. i. James Crowe to Sir Alexander Cuming, In ye Cloysters in Winsor Castle. 15 July, 1730. Last night, ye indians fell out a mungst them selves, ye too chefs faught, I realy dont think itt safe for them to be in my house aney longer, tharefore must begg of you to remove them for I can't provide for them aney longer and must begg of you to pay my bill of 41 pounds three shill. and fore pence this day *etc.* *Signed, Jas. Crowe. Addressed. 1 p.*

649. ii. Memorial of Sir A. Cuming to the King. The Cherokee Nation at a General meeting at Neguisee of all the Head men of that people, on 3rd April 1730, empowered memorialist to make their homage and submission to your Majesty acceptable. As a testimony of their sincerity they have given to your memorialist that with which they crown their

1730.

Princesses, and five eagles' tails to lay at your Majesty's feet, as things they know to be of no value to your Majesty, but of the highest esteem among them. Two Head men, with five other native Cherokees are come over with your Memorialist, to evidence the truth of this memorial, and to see the grandure of the British Nation. It being the utmost of your Memorialist's ambition to approve himself a dutiful and loyal subject to your Majesty, he hopes to enjoy by your Majesty's gracious favour, the same power over the Cherokee Nation which he has obtained by their own consent, and this will enable your Memorialist, to answer for their behaviour with respect to your Majesty's service. [v. Sept. 30]. 1 p. [C.O. 5, 4. Nos. 47, 47 i, ii.]

[1730 or
1731 ?]

650. Sir Alexander Cuming to the King. In order to secure the obedience of the Cherokee Nation, until your Memorialist should know your Majesty's further pleasure, your Memorialist appointed one Head Warrior whose name is Moytoy as Chief over the whole Nation, that he might answer to your Memorialist, and your Memorialist to your Majesty for the conduct of the whole people, to this all their Kings, Princesses and Head men consented. Your Memorialist informed them, that what he did was of his own accord, for which he had no authority from your Majesty, and that he undertook voluntarily to answer for them at the peril of his head, that he would lead them to warr against their enemies and give them such rules for their obedience, as should make them a great and good people, if your Majesty consented to the same. Your Memorialist designed that hereafter none should obtain any title of warr without having first signilised himself in your Majesty's service, and that any act to the contrary should degrade even their Kings and Princesses. Your Memorialist is willing to run all risks in living among them for three years, and thereby promote your Majesty's service, after such a manner, as to render it easie for any one to continue it afterwards. He believes that this nation may be made useful and not dangerous, with proper discipline and good usage, whereas hetherto they have been dangerous without being useful. It is humbly submitted to your Majesty, whether the power that forms them ought not to be as unlimited as what they themselves have given your Memorialist, and answerable only to your Majesty (v. Sept. 30). 1 p. [C.O. 5, 4. No. 48.]

[1730].

651. Petition of Capt. John Marshall to the Duke of Newcastle. Commander and owner of the sloop *Hester*, 26th Feb. 1724, and Parabow Skynner, merchant, 26th Feb. 1724. Taken by a Spanish privateer off Havana, 6th June, 1722, and

1730.

condemned there on pretence that she had traded in Cuba. The Governor appraised the *Hester* and her cargo at 21,297 pieces of eight. She had only traded with the people of Mississipi, and had no Spanish goods on board, but had landed three men with their provisions on the coast of Cuba, who intended to settle there. With depositions by same and inventory. 8 pp. [C.O. 388, 90. ff. 185-187, 188, 189.]

[? 1730].

652. Case of the inhabitants of North Carolina in respect to Mr. George Burrington being re-appointed their Governour. *Abstract.* Mr. Burrington was formerly appointed Governor by the Lords Proprietors, but removed by them for his ill-conduct on a petition supported by affidavits (*enumerated*). He has since been heard to declare that if he gets over there Governor again, he will be the destruction of all those, that had any hand in the removing him, who were all the principal people of the country. The better to enable him to accomplish such his intention, he has represented the present members of the Council as unfit, though they are really the most considerable inhabitants of the Province *etc.*, and recommended others who are of so mean circumstances that there estates altogether won't amount to 1500*l.* *etc.* Those whose names are come to our knowledge are of such vile characters and poor understandings that it is the greatest abuse imaginable upon the Ministry to recommend such to them. Edmd. Porter was formerly sent over to England from Virginia to be tried for his life for some notorious facts committed by him, and after he got off from this, was concerned in the Scotch rebellion, for which he fled to Carolina, another is Mathew Rowan, no inhabitant of the country, but only sent hither to build a ship or two for some persons in Dublin, and is now run away with one of them loaded with enumerated goods contrary to the Acts of Trade. Cornelius Hart keeps a little punch-house *etc.* The others, it is to be presumed, are all of this kind, his whole view being to get a sett of persons that will go into any measure he shall propose. Not forgetting his old grudge against the Chief Justice and some other officers has very much misrepresented them, and made as if their posts were of considerable value, tho' in fact not any one of them has ever been worth 100*l.* a year *etc.* For these reasons and the daily instances he gives of his mad extravagant behaviour, *pray* that his conduct may be enquired into before he be permitted to go over again as Governor. *Without date or signature.* 2½ pp. [C.O. 5, 308. No. 14.]

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